

**CONTRIBUTION OF SELECTED CHAPTER NINE INSTITUTIONS TO
RECORDS MANAGEMENT IN THE PUBLIC SECTOR IN SOUTH AFRICA**

by

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SUMMARY

Records management plays a significant role in ensuring accountability, transparency and good governance. Chapter nine institutions, on the other hand, are democratic institutions responsible for the promotion of accountability, transparency and good governance in the public sector through various forms such as investigation, reporting and recommendations. Although the regulatory role of records management in the public sector is the responsibility of the National Archives and Records Service of South Africa (NARSSA), it seems that this responsibility is cumbersome for the organisation as several scholars concur that the public sector is characterised by poor records management. As a result, NARSSA is unable to support governmental bodies in managing records properly. Given the position of chapter nine institutions in government and their mandate as set out by the Constitution of the Republic of South Africa, these institutions are able to hold the state accountable for their actions, unlike NARSSA. This study adopted the World Bank's evolution of good governance as the conceptual framework to investigate the contribution of selected chapter nine institutions, specifically the Auditor-General South Africa (AGSA) and the South African Human Rights Commission (SAHRC) towards records management in the public sector in South Africa. Qualitative data was collected through document analysis and interviews with purposively selected participants from the AGSA and the SAHRC. At the AGSA, participants were records management professionals and auditors, whereas at the SAHRC only staff members responsible for the implementation of access to information legislation were interviewed. Although the study established that records management is a key enabler to the process of access to information and the auditing process, the relationship was not fully explored by the SAHRC, which has little or no interaction with the NARSSA. However, the AGSA has taken the lead in this regard as it has managed to develop a memorandum of understanding (MoU) with NARSSA. Organised records enable the AGSA to audit the public sector and to facilitate access to records in terms of freedom of information legislation. The study concludes that there is a need for chapter nine institutions to work hand in hand with NARSSA for the purpose of fostering proper record keeping in the public sector. It is recommended that this study be extended to other chapter nine institutions such as the Public Protector.

Key words: Information access, auditing, audit, records, records management, accountability, transparency, good governance, PAA, PAIA, NARSSA, public sector, government, South Africa, governmental bodies, record-keeping.

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Indeed, it has been a long road full of frustrations, challenges, fatigue and all sorts of obstructions, but through the guidance, mentorship, inspiration and tireless assistance from my supervisor, Prof Mpho Ngoepe, I have managed to overcome all kinds of challenges.

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I also wish to extend my sincere gratitude to all participants who made time for me during their busy work schedule. The study was completed because of their kind and selfless character.

Furthermore, I am thankful for the support given to me by my partner, a mother to our daughter. It is through the moral support received from her that I have proudly progressed to the finish line of this work.

Last but not least, my sincere gratitude is extended to the highest, the omnipotent God who always gave me strength to keep going, even when times were tough.

DEDICATION

This thesis is dedicated to all public officials who, in their daily mandated tasks, still undermine the significance of records management in an organisation, and its ability to build better public administration. Through the understanding of this dissertation, public servants are challenged to change their attitude towards records management, and all other pieces of legislation that have an impact on the management of records in the public sector.

DECLARATION

I declare that **CONTRIBUTION OF SELECTED CHAPTER NINE INSTITUTIONS TO RECORDS MANAGEMENT IN THE PUBLIC SECTOR IN SOUTH AFRICA** is my own work, and that all sources that I have used or quoted have been indicated and properly acknowledged by means of complete references.

.....

SIGNATURE

(MR MG MOJAPELO)

.....

DATE

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LIST OF ABBREVIATIONS

AFIC:	Africa Freedom of Information Centre
AFS:	Annual Financial Statement
AG:	Auditor General (a person)
AGSA:	Auditor General of South Africa (an institution)
AIPPA:	Access to Information and Protection of Privacy Act
CALS:	Centre for Applied Legal Studies
COGTA:	Department of Cooperative Governance and Traditional Affairs
DAC:	Department of Arts and Culture
DBSA:	Development Bank of South Africa
DIO:	Deputy Information Officer (a person)
DPME:	Department of Performance, Monitoring and Evaluation
ECTA:	Electronic Communication Transaction Act
FXI:	Freedom of Expression Institute
GMO:	Genetically Modified Organisms
ICA:	International Council on Archives
IRBA:	Independent Regulatory Board of Auditors
IRMT:	International Records Management Trust
LIASA:	Library and Information Association of South Africa
MDG:	Millenium Development Goal
MFMA:	Municipal Finance Management Act
MoU:	Memorandum of Understanding
NAFIA:	North America Free Trade Agreement
NAA:	National Archives of Australia
NARSSA:	National Archives and Records Service of South Africa
NGO:	Non-Governmental Organisation
NIOF:	National Information Officers Forum

ODAC:	Open Democracy Advice Centre
OECD:	Organisation for Economic Co-operation and Development
OS:	Official Secrets
PAIA:	Promotion of Access to Information Act
PFMA:	Public Finance Management Act
POPIA:	Protection of Personal Information Act
POSA:	Public Order Security Act
PSRP:	Public Service Reform Programme
RMF:	Records Management Forum
SAHA:	South African History Archive
SAHRC:	South African Human Rights Commission
SAI:	Supreme Audit Institution
SALGA:	South African Local Government Authority
SAPS:	South African Police Service
SASA:	South African Society of Archivists
SCOPA:	Standing Committee on Public Accounts
Stats Sa:	Statistics South Africa
UK:	United Kingdom
UNESCAP:	United Nations Economic and Social Commission for Africa and the Pacific
UNISA:	University of South Africa
WTO:	World Trade Organisation

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CHAPTER ONE

INTRODUCTION: SETTING THE SCENE

1.1 Introduction

In almost every country, the regulatory role of public sector records management is the responsibility of the national archives. This is also the case in South Africa, as the National Archives and Records Service of South Africa (NARSSA) has been charged with the oversight responsibility to ensure proper records management and care for records in governmental bodies (National Archives and Records Service of South Africa Act, section 3). However, this responsibility proves to be cumbersome for NARSSA as several scholars, such as Makhura (2005), Marutha (2011), Ndenje-Sichalwe (2010) and Ngoepe (2014) allude that the public sector is characterised by poor records management and NARSSA is unable to support governmental bodies. It seems as if NARSSA is not coping with the regulation and oversight of the records management function in governmental bodies. For example, Ngoepe (2014) contends that the records management functions in most governmental bodies in South Africa are teetering on the brink of collapse and are essentially “on life support”, as they are unable to make a positive contribution to the auditing process.

This problem is not unique to auditing, as Marutha (2011:201) and Katuu (2015) contend that records are not managed systematically from creation to disposal in most hospitals in South Africa. As a result, very often, it takes a long time to retrieve requested records from the registries or records storage. Furthermore, Ngoepe and Makhubela (2015) emphasise that the justice system in South Africa is often delayed and denied due to a lack of supporting documentation. Poor records management in the public sector has implications for the provision of public health, justice and other basic services. It often seems as if the appalling condition of records management in the public sector in South Africa emanates from the position of the records management regulatory body (NARSSA) in government, as well as the lack of support and capacity to enforce records management practices in client offices (Ngoepe & Keakopa 2011). Yuba (2013) observes that NARSSA is facing a serious resource deficiency in terms of finance and human resources because these functions have been neglected by the public sector. Lagardien (2015) asserts that the South African public sector has no consistent institutional classification system for archives across all provincial offices in the country. This is due to the fact that some provinces such as the Western Cape, KwaZulu-Natal and the Free

State inherited archival infrastructure from the apartheid government, unlike the other six provinces (Limpopo, Eastern Cape, Northern Cape, Mpumalanga, North West and Gauteng) (Ngoepe 2016). As a result, some provinces are better than others in terms of record keeping.

Unlike the National Archives of Tanzania which resorts under the Office of the President, the National Archives and Records Service of South Africa reports to the Ministry of Arts and Culture (Magaya & Lowry 2012). While NARSSA is struggling to regulate and manage the records of governmental bodies, the question is, “Can other organs of the state play a role in ensuring the proper management of public sector records in South Africa?”

Ngoepe and Keakopa (2011) identify other institutions that can contribute to records management in South Africa as chapter nine institutions (see Appendix A for a list of chapter nine institutions), such as the Auditor-General of South Africa (AGSA) and the South African Human Rights Commission (SAHRC). The functions of these institutions are outlined in section 181 of the Constitution of the Republic of South Africa and will be broken down later in section 1.2.1.1. As observed by Ngoepe and Keakopa (2011), the contribution by these institutions mainly involves determining the retention period of ephemeral records, auditing of record-keeping practices and ensuring that the public can access the records of government. Given the position of chapter nine institutions in government and their mandate as set out by the Constitution of the Republic of South Africa, these institutions are able to hold the state accountable for their actions, unlike NARSSA. Chapter nine institutions are not a direct branch of government; they are independent from government influence. This is not the case with NARSSA, which reports to a government department that holds powers to influence it. This study utilised the World Bank’s evolution of good governance concept (see Figure 1.1) to investigate the contribution of selected chapter nine institutions, specifically the AGSA and the SAHRC, to records management in the public sector in South Africa. It is hoped that this study will stimulate interest in the area of ensuring accountability, transparency and good governance through records management in the public sector.

1.2 Background to the study

The management of records is a critical aspect of every public sector, mainly because records management enhances the efficiency and effectiveness of public administration (Ndenje-Sichalwe 2011). Records management can be used as a tool to protect the citizens’ rights

through ensuring accountability, transparency and good governance in the public sector (Keakopa & Keorapetse 2011). Records that are maintained properly through an organised classification system serve as an instrument in accelerating accountability and transparency, as the requested records will be made available within a short space of time. This will facilitate ease of access to records should they be requested by members of the public or by auditors for the purpose of auditing.

Furthermore, there is a need for the public administration to act as the “backbone” for the public sector in order to make informed decisions at all times. The importance of records management has been emphasised by researchers such as Kargbo (2009), Ngoepe and Ngulube (2013) and Ngoepe (2014), to mention just a few. For example, Kargbo (2009) indicates that proper record-keeping enables the government to identify the problems and issues of risk management and have an understanding of it. It also plays a huge role in decision-making for action to be taken. Regardless of the importance of records management as outlined, Onyancha and Mokwatlo (2011) advise that the records management concept is not clear and this emanates from the emergence of new formats of records. As a result, some organisations are not aware that they can make a positive contribution to the management of public sector records.

In the context of this study, the management of public sector records seems to be left to NARSSA, which is struggling to execute this mandate due to a number of reasons; for example, lack of recognition by politicians, national archivist reporting directly to Director-General of the Department of Arts and Culture as per the act, limited resources such as human resources and other equipment (Yuba 2013). However, constitutional bodies such as the AGSA and the SAHRC can contribute towards proper management of government records. This is due to their mandate, as well as the recognition the two constitutional bodies receive from parliament and the media. For example, with regard to the SAHRC, Mokate (2014) highlights a need for proper records management in any private or public body for accountability purposes in order to ensure that these records can be accessed if requested as per the terms of the freedom of information legislation. This means that the SAHRC can play a vital role in fostering a culture of accountability, transparency and good governance through access to records. In addition, in relation to the 2012 textbook scandal where textbooks were not delivered on time in Limpopo, Mokate (2014) indicates that some of the major problems that gave rise to the textbook crisis were related to poor record-keeping. The report released by the SAHRC recommends that

records management systems must be put in place to track and update the number of schools and learners in the Limpopo Department of Education (*The Citizen* 2014).

With regard to the AGSA, Ngoepe (2012) and Ngoepe and Ngulube (2013; 2014) reveal that the public sector in South Africa has been plagued by bad audit results and a perilous financial state. According to Ngoepe and Ngulube (2013; 2014), one of the factors contributing to the perilous financial state that is often cited in the media, is a lack of proper record-keeping, which causes much embarrassment for the affected governmental bodies. Indeed, the problem of poor record-keeping in public administration features prominently in reports generated by oversight mechanisms such as the AGSA, the SAHRC and, to a lesser extent, NARSSA, which has a mandate but is unable to execute it (Ngoepe 2012). For example, when the external auditor of government (AGSA) audits governmental bodies, one of the constraints it faces is that records are either not available or could not be retrieved. This shows that chapter nine institutions such as the AGSA and the SAHRC could play a huge role in ensuring accountability, transparency and good governance through their contribution to records management in the public sector in South Africa. For example, as the SAHRC regulates access to information and the AGSA requires records as evidence when auditing governmental bodies, these two institutions can contribute to records management in the public sector given their standing in the country. As Ngoepe (2012) argues, these institutions will help to propel records to new heights in the public sector, as the function is currently at its lowest point. Therefore, it is appropriate to investigate the contribution of these two chapter nine institutions towards the management of records in the public sector in South Africa, with a view to fostering the culture of accountability, transparency and good governance through records management.

1.2.1 Contextual setting

This section discusses chapter nine institutions, specifically the AGSA and the SAHRC as they are the context of this study.

1.2.1.1 Selected chapter nine institutions

The functions of chapter nine institutions have been outlined in chapter nine of the Constitution of the Republic of South Africa in Section 181, subsection 2, which reads as follows:

These institutions are independent, and subject only to constitution and the law, and they must be impartial and must exercise their powers and perform their functions without fear, favour or prejudice.

These institutions act as “watchdogs” keeping government in check (Parliament 2012). In 2006, parliament appointed an ad hoc committee to review chapter nine institutions and other associated institutions (Parliament 2007). Among other tasks, the committee was tasked with improving the coordination of work between the institutions covered in this review as well as improving coordination and cooperation with government and civil society. The report, which was then presented to parliament by the committee, states that there is a need to merge some of chapter nine institutions that have related roles in order to avoid duplication of roles. According to Parliament (2007), that may be used as a platform to strengthen democracy institutions.

For the purpose of this study, two chapter nine institutions (the SAHRC and the AGSA) were selected as the cases, based on the mandate as stipulated in the constitution. The SAHRC and the AGSA could have a huge impact in ensuring accountability, transparency and good governance through the facilitation of records management in the public sector. As outlined earlier, chapter nine institutions may influence the public by determining the retention period of ephemeral records, auditing of record-keeping practices and ensuring that the public have access to records of government. These institutions are established to support the legislature in overseeing the executive government. Their role is to ensure that members of the public are being held accountable for their actions and decisions as they provide independent and reliable information to legislatures (Masutha 2014).

1.2.1.1.1 South African Human Rights Commission

The SAHRC is a national independent institution established to entrench constitutional democracy. The Commission was established in terms of section 181(1) of the constitution and Human Rights Commission Act of 1994 (Masutha 2014) and inaugurated on 2 October 1995, under the Human Rights Commission Act, 1994 (Act No. 54 of 1994), and as provided by the Constitution of the Republic of South Africa Act, 1993 (Act No. 200 of 1993) (SAHRC 2014:10). As stipulated in the Human Rights Commission Act, the SAHRC has been given the mandate to monitor and report on the Promotion of Access to Information Act (PAIA) in the

public sector. The Commission has a specific mandate set out by PAIA, which is to promote the right to access information and monitor compliance with the legislation (SAHRC 2012). As provided by legislation, the Commission has committed itself to ensuring awareness of the act and providing assistance to members of the public to exercise their constitutional rights. As a result of this mandate, a number of activities have been undertaken.

In 2004, the South African History Archive (2005) commissioned a study on how prepared government departments were to manage requests for digital electronic records made under the act. The report indicated that few departments keep official records in electronic format and that there were no formal policy and procedure on how and when electronic records should be stored. Despite electronic records management being new to most records officers and archivists in contemporary sub-Saharan Africa, it transformed the traditional mode of record-keeping (Asogwa 2012). That is not strange, as Kemoni (2009) emphasises that most countries in Eastern, Southern Africa Regional Branch of the International Council on Archives (ESARBICA) region lack capacity and face various challenges in managing electronic records. These challenges include, but are not limited to, policies, standardisation, authenticity and lack of awareness among records professionals. In September 2005, the Open Democracy Advice Centre (ODAC), through partnership with the SAHRC, announced the launch of South Africa's first openness and responsiveness awards known as Golden Key Awards. Through this award, ODAC and the SAHRC recognise government departments, Deputy Information Officers (DIO), private institutions, journalists and members of the public that have done exemplary work in promoting openness, transparency and accountability in the public and private sector through usage of, and compliance with, PAIA (Ngoepe 2008).

In celebration of the International Right to Know Day, the SAHRC hosts an annual event called the "National Information Officers Forum (NIOF)" in September every year. The NIOF is one of the annual events hosted in partnership with the Open Democracy Advice Centre (ODAC). The aim of the event is to provide a platform for Deputy Information Officers in public and private sectors to interact with experts and to share the challenges they face on a daily basis. Chipu (2014) indicates that the journey of the NIOF will be a journey without destination if the event continues to be hosted without the availability of records professionals. Chipu (2014) further states that records professionals are also custodians of access to information, because they are the very same people who are responsible for ensuring the safekeeping of records.

1.2.1.1.2 Auditor-General of South Africa

The AGSA was established on 31 May 1910 as a result of the South African Act of 1909. It became operational on 12 May 1911, with the commencement of the Exchequer and Audit Act, 1911 (Act No. 21 of 1911), under the management of Walter E Gurney (first Auditor-General of South Africa). The office was located in the Steyn's Building in Pretoria (AGSA 2011:8). Being the independent Supreme Audit Institution (SAI) of South Africa, the AGSA performs audits of government accounts in order to determine whether government did implement the budget as appropriated by the legislature and complied with the financial prescripts (Hlekiso 2014). In 1993, the Amendment Act, 1992 (Act No. 123 of 1992) granted the AGSA full independence from government. Ever since then, the AGSA had the necessary autonomy to execute its mandate fully without fear, favour or prejudice (AGSA 2011:8). The Public Audit Act, 2004 (Act No. 25 of 2004) states that the Auditor-General must audit and report on the accounts, financial statements and financial management of the public sector.

Given the importance of records management in the auditing process, in future, the AGSA's additional focus, as per the MoU signed by the AGSA and NARSSA, will include records management aspects. According to the memorandum, records management auditing will be conducted to "assess whether the auditee implemented sound records management principles that ensure the proper creation, maintenance, use and disposal of records to achieve efficient, transparent and accountable governance" (Makwetu 2014:6). The AGSA hosts a seminar on records management on a regular basis, if not annually. The seminar has a purpose similar to that of the NIOF. Information and records professionals from all spheres of government are invited to the seminar to share their workplace experiences and challenges.

1.2.2 Conceptual framework

Jabareen (2009:51) defines conceptual framework as "a network of interlinked concepts that together provide a comprehensive understanding of a phenomenon or phenomena". The University of Southern California (2013) states the following:

Theories are formulated to explain, predict, and understand phenomena and, in many cases, to challenge and extend existing knowledge within the limits of critical bounding assumptions.

Conceptual framework applied in this study is based on the World Bank’s evolving concepts of good governance and its impact on human rights, especially through access to information. The concept “governance” and “good governance” are increasingly being used in the development of literature. However, this concept is not new, as the World Bank (2010) posits that the concept of good governance emerged at the end of the 1980s during the unprecedented political changes. Figure 1.1 illustrates the evolution of Demand for Good Governance (DFGG) in the World Bank.

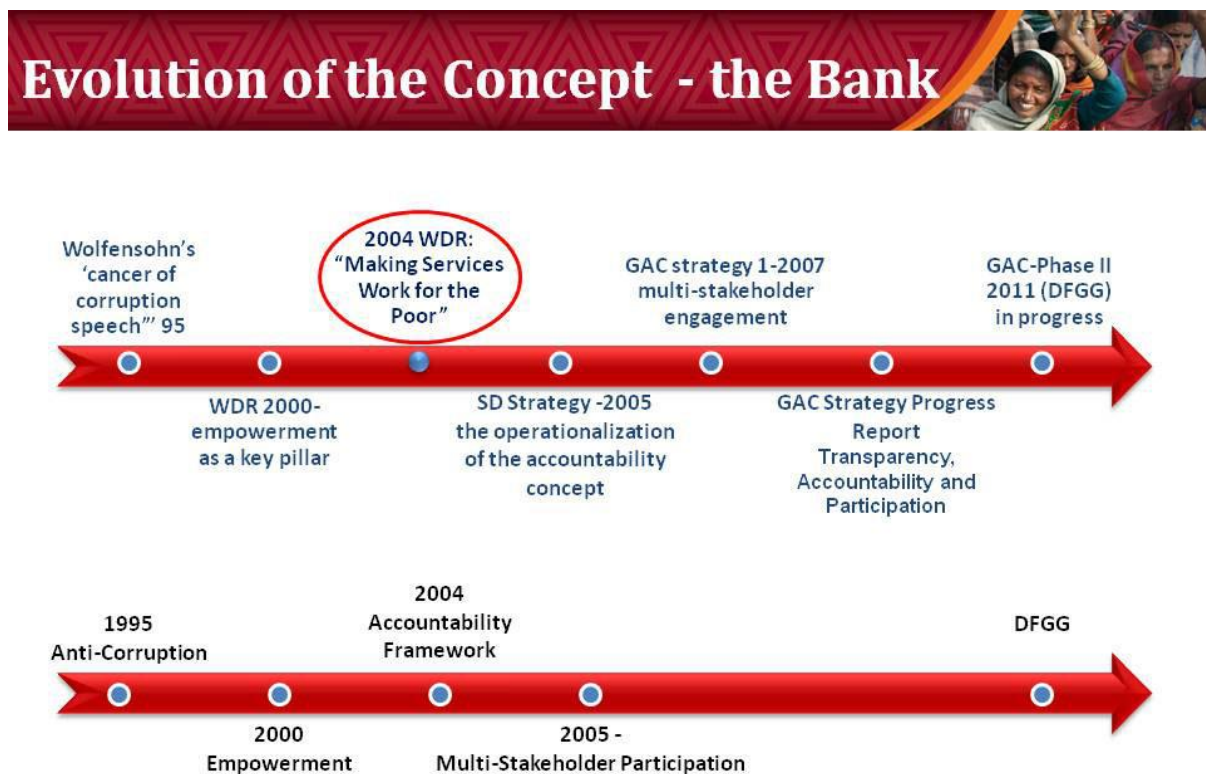


Figure 1.1: Evolution of the concept of good governance– the World Bank (World Bank 2016)

Figure 1.1 clearly shows that the concepts “accountability”, “transparency” and “participation” are at the centre of the GAC Strategy Progress Report of the World Bank. The progress report emphasises that transparency, accountability and participation are “at the heart of governance” and may not be left out every time governance issues are being discussed (World Bank 2009).

The concept of accountability has gained increasing importance, not only in the World Bank, but also in the South African government. Traditionally, efforts to address accountability issues have focused on improving the “supply and balance, administrative rules and procedure, formal

auditing system, and law enforcement agencies like courts and police” (World Bank 2010). According to the model, “top-down” accountability mechanisms have met with only limited success in many countries. This is also the case in South Africa, hence the establishment of independent institutions in order to strengthen democracy, accountability, transparency and good governance. The concepts on the framework such as transparency, accountability and partnership were used as constructs to inform objectives and literature review of this study. The constructs used for this study derived from the conceptual framework were accountability, transparency, good governance and participation.

1.3 Problem statement

The contribution of selected chapter nine institutions to records management in the public sector in South Africa has not been clearly identified and defined. For example, the AGSA can play a role towards records management through the auditing of record-keeping, while the SAHRC can make a contribution with regard to access to records through PAIA (Mokate 2014; Ngoepe 2012). Reports published annually by several organs of the state in South Africa such as the AGSA, the SAHRC, the Standing Committee on Public Accounts (SCOPA) and other organisations such as the South African History Archives (SAHA) and the World Bank, confirm poor records management in the public sector in South Africa. It seems that NARSSA is not successful ensuring an oversight of records management in the public sector (Ngoepe 2012). It is with respect to this that chapter nine institutions are seen as institutions that could play a role in assisting NARSSA by ensuring accountability, transparency and good governance through their contribution towards records management in the public sector in South Africa. As studies have shown, the chaotic state of public records in many African countries and the near collapse of record-keeping systems in some of the countries make it virtually impossible to determine responsibility for official actions and to hold individuals accountable for their actions (Wamukoya 2000). Many efforts to strengthen financial controls fail because the fundamental structures needed to underpin them are often overlooked; such efforts include record keeping (Barata, Cain & Thurston 2000).

1.4 Research purpose and objectives

The general purpose of this study was to investigate the contribution of selected chapter nine institutions to records management in the public sector in South Africa, with the view of

fostering a culture of accountability, transparency and good governance through records management. The specific research objectives for this study were to:

- analyse selected chapter nine institutions' mandate to determine the relationship with records management
- determine if selected chapter nine institutions are working closely with NARSSA to achieve a common goal of promoting accountability, transparency and good governance in the public sector
- assess the influence of selected chapter nine institutions on the management of records by government officials
- determine whether selected chapter nine institutions have measures in place to promote accountability, transparency and good governance through records management in the public sector
- make recommendations on how selected chapter nine institutions can foster accountability, transparency and good governance through records management.

1.5 Research questions

As defined by de Vaus (2014), a research question is a formal statement of the goal of a study. The research questions state clearly what the study will investigate or attempt to prove. Collins (2003:64) adds by outlining that the research question enables the researcher to identify the essence of the research. This ensures that the researcher has clarity on what needs to be done and that he or she focuses on the question to be answered. This study placed the above definition on record. The research questions for this study are as follows:

- What is the relationship between the mandate of selected chapter nine institutions and records management?
- Do the selected chapter nine institutions work closely with NARSSA to achieve a common goal of promoting accountability, transparency and good governance in the public sector?
- What is the influence of selected chapter nine institutions on records management by government officials?

- What are the measures that the selected chapter nine institutions put in place to promote accountability, transparency and good governance through records management in public sector?
- What recommendations can be made by selected chapter nine institution to foster accountability, transparency and good governance in the public sector?

Table 1.1: Illustration of the relationship between research objectives and questions				
Research objectives	Research question	Research approach	Source of data	Chapter
<ul style="list-style-type: none"> • Analyse selected chapter nine institutions' mandate to determine the relationship with records management 	<ul style="list-style-type: none"> • What is the relationship between the mandate of selected chapter nine institutions and records management? 	Qualitative	Interviews Document analysis	2, 4, 5 and 6
<ul style="list-style-type: none"> • Determine if selected chapter nine institutions are working closely with NARSSA to achieve a common goal of promoting accountability in the public sector. 	<ul style="list-style-type: none"> • Do the selected chapter nine institutions work closely with NARSSA to achieve a common goal of promoting accountability in the public sector? 	Qualitative	Interviews Document analysis	2,4,5, and 6

<ul style="list-style-type: none"> Assess the influence of selected chapter nine institutions on the management of records by government officials. 	<ul style="list-style-type: none"> What is the influence of selected chapter nine institutions on records management by government officials? 	Qualitative	Interviews Document analysis	Chapters 2, 4, 5 and 6
<ul style="list-style-type: none"> To determine whether selected chapter nine institutions have measures put in place to promote accountability and good governance through records management in the public sector. 	<ul style="list-style-type: none"> What are the measures that the selected chapter nine institutions put in place to promote accountability and good governance through records management in the public sector? 	Qualitative	Interviews Document analysis	2,4,5 and 6
<ul style="list-style-type: none"> Make recommendations on how selected chapter nine institutions can foster accountability, transparency and good governance through records management. 	<ul style="list-style-type: none"> What recommendations can be made by selected chapter nine institutions to foster accountability, transparency and good governance in the public sector? 	Qualitative	Interviews Document analyses	2,4,5, and 6

1.6 Contribution of the study

The significance of the study should cover all three major questions identified by Walonick (2005): “Why is the study important?”, “To whom it is important?” and “What benefit(s) will occur if the study is done?”. The findings and recommendations of this study will outline in detail the influence that the selected chapter nine institutions may have on ensuring accountability, transparency and good governance through records management and this will help in policy development in the public sector. This study is in support of Dlova and Nzewi (2014), as they attest that policies and procedures serve as a connection between organisations’ visions and their daily business and allow employees to have a sense and a clear picture of where the organisation is going. Furthermore, this study responds to the study conducted by Keakopa and Ngoepe (2011), which found that records services in Botswana and South Africa are not being recognized and given status in the government and public arena. Therefore, if the recommendations of this study are implemented, they have the potential to help elevate records management to the hub of public sector administration. Chapter nine institutions are independent and they can play a huge role in holding the state accountable for public administration. This study therefore seeks to come up with strategies that can be employed by chapter nine institutions in fighting the battle for sound record-keeping.

South Africa adheres to the requirements outlined in the Millennium Development Goal (MDG) report (UN 2013). MDG is a countrywide mission that requires the participation of everyone living in South Africa. For Statistics South Africa (Stats SA) to be able to provide statistics on how far the country is with regard to the achievement of the MDG, accurate records should be made available. Without accurate records, information provided to the United Nations may mislead the country at large. In order to facilitate the maintenance of records throughout their life cycle, chapter nine institutions need to play a maximum role in facilitating public records from the creation stage up to the disposal stage.

1.7 Research methodology

Methodology is perspective, the angle the researcher wishes to take towards the question being asked (Pickard 2013:xix). Clough and Nutbrown (2002) assert that methodology shows how research questions are articulated with questions asked in the field. Methodology aims to describe and analyse methods, casting light on their limitation and resources. Kothari (2004:8)

indicates that it is necessary for the researcher to design his methodology for his problem as this may differ from problem to problem. The qualitative approach was adopted and the target population was the SAHRC and the AGSA employees. Participants were purposively selected, data were collected through interviews and augmented through document analysis. For comprehensive information on research methodology the reader is referred to Chapter Three of this study.

1.8 Ethical considerations

Lawal (2009:57) emphasises that when conducting research, especially when human subjects are involved, abiding by ethical standards is very important. Ethical standards may protect both the researcher and the participants and it binds the researcher to be accountable to his/her work. Just like other universities, the University of South Africa (UNISA) has code of ethics which should be adhered to with regard to research. This study was done in line with UNISA's Research Ethics Policy (2007). The policy is very clear in terms of how to deal with research activities during the data collection process.

In planning, conducting, collecting data and reporting the findings for this research, the researcher adhered to ethical standards as set out in the research ethics policy of the University of South Africa (UNISA 2013). The researcher also balanced the demand made by the moral principle of the research and adhered to all ten general ethics principles outlined in the UNISA research ethics policy. The ten general principles outlined in the policy are as follows:

- Essentiality and relevance
- Maximisation of public interest and social justice
- Competence, ability and commitment to research
- Respect for and protection of participants' rights
- Informed and non-coerced consent
- Respect for cultural differences
- Justice, fairness and objectivity
- Integrity, transparency and accountability
- Risk minimisation
- Non-exploitation

To ensure confidentiality, anonymity, integrity and privacy, data was not attributed to a specific participant. The rights to privacy of the participants were protected by guaranteeing anonymity and confidentiality. Participants were also informed that they have every right to withdraw their participation as advised by Leedy (1997: 116-117). Furthermore, permission was sought from the AGSA and the SAHRC to carry on with data collection. Above all, the study was ethically cleared by UNISA.

1.9 Scope and delimitation of the study

The study was limited to two (out of six) chapter nine institutions, due to the nature of their mandate and the responsibility to report on compliance of a given legislation. For example, the AGSA reports on compliance with the Public Finance Management Act (PFMA) and the Municipal Finance Management Act (MFMA), whereas the SAHRC reports on compliance with PAIA. The successful implementation of the PFMA, the MFMA and PAIA requires the support of records management. The SAHRC monitors compliance with PAIA and performs a records audit on a regular basis, whereas the AGSA performs a financial records audit to check compliance with the PFMA. This was not the same with the other four chapter nine institutions which are excluded this work as their mandates do not contribute entirely to the management of the public sector records management. Although the Office of the Public Protector might be different in the sense that it might also contribute to the management of public sector records to minimise corruption, it was excluded from this study nonetheless.

1.10 Definition of key terms

According to Denscombe (2012:68), defining key terms is crucial in avoiding ambiguity or misunderstanding of core ideas. A records management programme has many terms and concepts that may differ from one study to the other, hence, the important terms are defined below in order to avoid ambiguity and misunderstanding.

1.10.1 Access to information

Access to information refers to the ease with which citizens can access information held by public and private bodies. It has been emphasised several times in this research that information

empowers people. Access to information in South Africa is enforced by PAIA, an act that sets out a wide range of enabling provisions for information to requesters, one of the most important being that a requester's right of access to information is not affected by any reason the requester gives for requesting access. The primary purpose of PAIA is "to give effect to the constitutional right of access to information held by the state and any information that is held by another person and that is required for the exercise or protection of any rights". PAIA is one of the few pieces of legislation governing access to information in the world that applies to both public and private bodies and to records, regardless of when the records came into existence (McKinley 2003).

1.10.2 Accountability

In simpler terms, accountability means holding the executive responsible for performance measured as objectively as possible. According to Przeworski and Mannin (2016), governments are accountable if citizens can discern whether governments are acting in their best interest and sanction them appropriately. Accountability in a shared service world focuses on record-keeping as a case for examining governance issues. According to the World Bank, accountability is mostly associated with punishment. This implies that the government that is accountable will constantly be exposed to the glaring eye of the AGSA, a street protestor or a journalist ready for the next corruption scandal.

1.10.3 Auditing

According to Kumar and Sharma (2015: 2), auditing is an intelligent and critical scrutiny of the books of account of a business with the documents and vouchers from which they are written up, for the purpose of ascertaining whether the working results for a particular period as shown by the profit and loss account and also the exact financial condition of the business as reflected in the balance sheet are truly determined and presented by those responsible for their compilation. In addition, the Public Audit Act of South Africa, 2004 (Act No. 25 of 2004) defines an audit as the examination or investigation, in accordance with any applicable audit standards, of those aspects to be reported on in terms of sections 20 and 28 of the Public Audit Act. On the other hand, AGSA (2016) defines auditing as a process of checking the spending of public money by looking at whether it has been used ideally and for the purpose intended.

Types of audit outcomes are presented below as defined by AGSA (2012):

Table 1.2: Types of audit outcomes and definitions	
Audit outcome	Definition
Clean audit	Clean audit is an audit outcome where financial statements are free from material misstatements (in other words, a financially unqualified audit opinion) and there are no material findings on reporting on performance objectives or non-compliance with legislation.
Financially unqualified audit	The financial statements contain no material misstatement.
Qualified audit	Financial statements contain material misstatements in specific amounts, or there is sufficient evidence for the AGSA to conclude that specific amounts included in the financial statements are not materially misstated.
Adverse audit	The financial statements contain material misstatements that are not confined to specific amounts, or the misstatements represent a substantial portion of the financial statements.
Disclaimer of audit	The auditee provided insufficient evidence in the form of documentation on which to base an audit opinion. The lack of sufficient evidence is not confined to specific amounts or represents a substantial portion of the information contained in the financial statement.

1.10.4 Good governance

The concept of good governance is understood to refer to the manner in which the apparatus of the state is constituted, how it executes its mandate and its relationship to society in general (Mhone & Edigheji 2003:3). According to Ngoepe and Ngulube (2013), governance may be approached through several functions such as auditing, an integral audit committee,

information management, compliance and risk management. In short, good governance means attainment by government of its ultimate goal (Santiso 2001). The relationship between good governance and records management have been emphasised in a paper presented by Chinyemba (2011) when he argued that there can be no transparency, accountability or good governance where records cannot be found when they are needed.

1.10.5 Record

A record is evidence of a transaction, presented for the evidential information it contains (NARSSA 2007:vi). ‘Record’ in this study refers to “recorded information regardless of medium or characteristics, made or received by an organisation in pursuance of legal obligations or in the transaction of business” as defined by Franks (2013:31).

1.10.6 Record keeping

Record keeping refers to the act of documenting an activity by creating, collecting or receiving records, ensuring their safety and providing them in time when they are needed (IRMT 2009). This has to do with the act of ensuring that the records are available, understandable and usable for as long as they are needed.

1.10.7 Transparency

In this case, transparency refers specifically to the substantive and administrative procedure through which institutions perform their functions, whether they are documented and accessible, and where the government and publicly held companies are concerned (USAID 2013). PAIA advocates for the transparency in the public and private sector through the submission of manuals to the SAHRC simply because transparency is premised on the notion that information matters and that information can empower. Transparency and accountability comes a long way and should never be separated. Gupta (2008) asserts that transparency as a moral and political imperative is closely associated with goals such as accountability, inclusivity and good governance. USAID (2013:1) indicates that transparency is about knowing why, how, what and how much in order for the general public to hold the executive to account.

1.11 Structure of the dissertation

- Chapter 1:** Provides the introduction, background to the study where contextual setting and theoretical framework are outlined, problem statement, research purpose and objectives, research questions, contribution of the study, research methodology, ethical consideration, scope and delimitation of the study, and definitions of concepts.
- Chapter 2:** Focuses on literature review under the following themes: the role of chapter nine institutions in demonstrating accountability, transparency and good governance, mandate of chapter nine institutions to records management, and records management initiatives by the SAHRC and the AGSA.
- Chapter 3:** Presents research methodology.
- Chapter 4:** Is devoted to data analysis and presentation.
- Chapter 5:** Provides the interpretation and discussion of results.
- Chapter 6:** Presents the summary of the results, conclusions and recommendations.

1.12 Summary

This chapter set the scene by providing the introduction and background of the study, the problem statement, the aim and objectives of the study, significance of the study, a description of the research method adopted and the definition of concepts. It is clear from the introduction that the two selected chapter nine institutions could play a role in the management of public sector records in South Africa. The next chapter reviews literature regarding the contribution of chapter nine institutions to records management in the public sector.

CHAPTER TWO

LITERATURE REVIEW: CONTRIBUTION OF CHAPTER NINE INSTITUTIONS TO RECORDS MANAGEMENT

2.1 Introduction

The previous chapter sets the scene by providing the introduction and background to the study, problem statement, research purpose and objectives, research questions, contribution of the study, research methodology, ethical consideration, scope and delimitation of the study, as well as definition of key terms. This chapter reviews the existing body of knowledge that is pertinent to this research project. The chapter provides the literature review on the role the chapter nine institutions have in records management in the public sector. Jha (2014) argues that the review of literature refers to the identification of all the published or unpublished body of knowledge related to the problem area, studying the unfamiliar part, organising it and then synthesising it in a unique way to provide a strong basis for the present social research. Themes for literature review are based on the objectives of the study. These include: the roles of chapter nine institutions in demonstrating accountability, transparency and good governance, mandate of chapter nine institutions in relation to records management, records management initiatives by the AGSA and the SAHRC. Before all these are outlined, it is very important to give the purpose of literature review as provided below.

2.2 The purpose of the literature review

Generally, the purpose of the literature review is to analyse critically a segment of a published body of knowledge through summary, classification and comparison of prior research studies (University of Wisconsin Madison 2014). Literature review brings clarity and focus to the research problem (Kumar 2014). Creswell (2014) posits that a literature review helps to determine whether the topic is worth studying and it provides insight into ways in which the researcher can limit the scope to a needed area. In other words, the literature review helps the researcher to identify problems that need to be investigated. A literature review goes beyond the search for information and includes the identification and articulation of the relationship between the available literature and the focus of the research study (Boote and Beile 2005). The literature review of the current study goes beyond the search for information and discusses the relationship between the literature and the focus of the study.

2.3 The role of selected chapter nine institutions in demonstrating accountability, transparency and good governance

The primary role of selected chapter nine institutions is to support the constitutional democracy by holding the state accountable for its actions. For example, section 184(3) of the Constitution of the Republic of South Africa places a duty on the SAHRC every year to obtain information from relevant organs of state on the steps they have taken towards realising the rights outlined in the bill of rights, such as land, housing, health care, food, water, social security, education and environmental rights. On the other hand, section 188(1) charges the AGSA with the powers to perform financial reporting on the accounts, financial statements and management of all national and provincial departments and administrations, all municipalities and any other institutions or accounting entities required by the national or provincial legislation to be audited by the AG.

Murray (2006) argues that the independence of chapter nine institutions makes it practically possible to check government by enhancing its accountability and to contribute to projects of transformation. The World Bank (2000:30) recommends that records and archives institutions should be made responsible specifically for the office of the official who plays the central governing role within the country, such as the Presidency. Many countries around the world are in the process of strengthening democracy institutions in order to combat corruption through enhancing financial accountability (IRMT 2001). Just like in South Africa, NARSSA and the SAHRC ensure that public records are preserved as official government records and that the right to information is practiced (Makhura 2005).

An important point of departure in strengthening democratic institutions is that the citizens should be able to hold their representatives accountable. It is for this reason that the PFMA requires government to manage finances with care. Chapter nine institutions are some of the avenues created by the constitution to ensure that the government is accountable and responsible. Chapter nine institutions keep on reminding the government to uphold the fundamental rights through the reports and public hearings. At the 20-year anniversary of the SAHRC, Masutha (2016) echoed that government has a responsibility to support chapter nine institutions and added that the institutions must be respected and given space to do their work freely without favour.

Peruzzotti and Smulovitz (2006:5) define accountability as the “ability to ensure that public officials are answerable for their behaviour where they are forced to justify and inform the citizenry about their decisions and possibly eventually be sanctioned for them”. Accountability is critical to a responsible government (Bhana 2008; IRMT and World Bank 2000); however, the foundation of accountability is well-managed records. That is, when managed in a way that ensures integrity and authenticity through time, records will eventually allow government officials to account to their managers or even to governing structures. Through accountability, the financial and moral meet in the twinned precepts of economic efficiency and ethical practice (Strathern 2000). IRMT (1999) stresses that, without records, there can be no accountability framework and without accountability framework there can be no responsible government. The rule of law will be undermined in that regard.

As outlined in the problem statement, Wamukoya (2000) argues that the state of records management in many African countries makes it impossible to determine the responsibility of government officials and to hold them accountable for that responsibility. It is for that reason that Isa (2009:1) contests that a government, particularly in a democratic country, must be accountable to its people for administration. The topic of the research under review is closest to that of Isa (2009) as it sought to find what contribution democracy institutions make towards records management in the public sector, with the aim of monitoring and facilitating accountability. According to Masuku and Makwanise (2012), accountability means answerability, which implies that an office holder has to answer, either to a supervisor or the public in general through the provision of the evidence of transactions made within a specific period of time.

The concept of transparency has become established during recent decades as a necessity in the fight against organisational and individual irregularities (corruption, fraud, financial scandals) and in promoting good governance in organisations, whether public or private (Pasquier and Villeneuve 2007). Transparency is a tool that encourages the involvement of the people in the development and implementation of public bodies. This means transparency is in fact a growing tendency for the public to participate in decision-making processes and policy development of the state. Sturges (2007) echoes that transparency is a term that is comparatively little used by information professionals themselves, yet, it encapsulates a great deal of the rationale behind the provision of good information systems, libraries, archives, records, databases, or reporting and monitoring systems.

According to the United Nations Economic and Social Commission for Asia and the Pacific (UNESCAP) (2009), good governance has eight major characteristics, which are explained below:

Participatory – Participation by both men and women is a key cornerstone of good governance.

Consensus – Good governance requires mediation of the different interests in society to reach a broad consensus in society on what is in the interest of the whole community and how this can be achieved.

Accountable – The importance of accountability to governance does not only refer to government, but to also to private sector and civil society organisations.

Transparent – Transparency means that decisions taken and their enforcement are done in a manner that follows rules and regulations.

Responsive – Good governance requires that institutions and processes try to serve all stakeholders within a reasonable time frame.

Effective and efficient – The concept of efficiency in the context of good governance also covers the sustainable use of natural resources and the protection of the environment.

Equitable and inclusive – A society's wellbeing depends on ensuring that all of its members feel that they have a stake in it and do not feel excluded from the mainstream of society.

Follow the rule of law – Good governance requires fair legal frameworks that are enforced impartially. It also requires full protection of human rights, particularly those of minorities.

Corporate governance is defined by the OECD (2004) as “a system by which business corporations are directed and controlled”. Good governance requires good information management, so that public officials can account for their decisions and activities with reference to accurate, reliable and accessible information (Crookston 2010). In 2013, a Ministry Affairs and Communication's Green Paper on organisation of public service delivery described the need to move from records management to a more holistic approach which is information governance. The aim is to support smarter governance and to help increase the efficiency and cost-effectiveness of public services (Thurston 2015).

2.3.1 Access to information

Lipchak and McDonald (2003) allude that governments are increasingly recognizing the importance of information for accountability and good governance, and the need for information to be managed in an effective manner. Access to information remains one of the fundamental human rights in South Africa as has been provided for by section 32 of the Constitution of the Republic of South Africa. SAHA (2016) posits that the right of access to information in South Africa is regulated by the SAHRC, which has been charged with the responsibility of ensuring compliance with PAIA. PAIA was approved by Parliament in February 2000, nevertheless, since its inception, the SAHRC has reported consistent non-compliance with PAIA and the absence of implementation to Parliament (SAHRC 2012). For example, in the year 2015, the SAHRC reported to Parliament that 81 per cent of local government structures did not comply with PAIA (Evans 2015). Since the passage of PAIA, public institutions have failed to comply with their minimum obligations in terms of the law, such as: designating a deputy information officer, developing a manual that lists the records held by public bodies and explains the means of access, and submitting reports that track the handling of requests in public institutions (Adeleke & Humby 2016).

However, the SAHRC recognises the importance of records management in facilitating or speeding up a process of information access. Masuku and Makwanise (2012) also recognise the significance of records management in access to information as one of the most important human rights in South Africa. Masuku and Makwanise (2012) attest that no state or government can claim to be at the helm of human rights without records or archives to support its information access activities. In view of the above statement, one can conclude that records occupy a central position relative to information access. It is assumed that PAIA is one of the few pieces of access to information laws in the world to apply to both public and private sector records, regardless of when a particular record came into existence (McKinley 2003).

Some countries in Africa have adopted freedom of information laws as a means to promote transparency without having been campaigned for by civil society organisations. This is not the case in Uganda and Nigeria, where civil society organisations had to campaign for the right to information laws and this was secured as part of the struggle for recognition of democratic rights and transparent government (Adu 2013). On the other hand, the government of Angola,

Gunea-Conakry, Niger and Zimbabwe adopted the right to information laws on their own initiative and not as part of the democratisation process.

South Africa's rapid movement from autocratic information management towards democratic transparency and openness has made the national context distinctive and more similar to post-communist Eastern Europe to such stable long-term democracies as Australia or Canada (Darch & Underwood 2005). On the other hand, it was not easy to have the freedom of information bill passed into law in Nigeria (Omotayo 2015). The bill was signed into law on 28 May 2011, which was 11 years after South Africa passed PAIA into law. Banisar (2004) indicates that most of the freedom of information laws around the world are mainly similar, and countries that have been using such legislation are used as models and benchmarking tools (see appendix B for countries with PAIA laws and the year adopted).

Unlike South Africa and other democratic countries, Botswana does not have freedom of information legislation that enables citizens to gain an independent legal right to access information that is being held by the government or that of the private sector (Sebina 2006). The National Archives Act is the only legal instrument that gives members of the public an enforceable legal right to gain direct access to archival information derived from the government, normally after a period of 20 years. There is a widespread belief that access to information laws promote transparency and accountability, which underpins good governance (Puddephat 2009). It is further believed that access to information laws are an essential element of reducing poverty and achieving the Millennium Development Goals.

Puddephat (2009) emphasises that the impact of civil society on measures to promote access to information is considerable. Without the intervention of civil societies, freedom of information will continue to face challenges of exemptions and restrictions. For example, The Freedom of Information Act in Mexico remained relatively inactive until Mexico joined the Organisation for Economic Co-operation and Development (OECD), North American Free Trade Agreement (NAFTA) and World Trade Organisation (WTO). In South Africa, the organisations that support the promotion of access to information are Open Democracy Advice Centre (ODAC), Right2Know Campaign, and Africa Freedom of Information Centre (AFIC), to name just but few (SAHA 2016).

Carter and Weerakkody (2008) argue that, internationally, the internet has made transparency easier for government to accomplish in practical ways, but it has also added new complications to ensuring equal access to and preservation of digital-born government information. Several researchers wrote about e-government initiatives to promote transparency, but few have written about equal accessibility, including rural communities. For example, Moon (2002) explores the two institutional factors that contribute to the adoption of e-government among municipalities. Carter and Belanger (2005) investigate from the Technology Acceptance Model, diffusions of innovation theory and web-trusted models to form a parsimonious yet comprehensive model of factors that influence citizen adoption of e-government initiatives. Choudrie and Dwivedi (2005) administer a survey to assess United Kingdom (UK) citizen awareness of e-government services. As much as the e-government service is appreciated for the purpose of promoting accountability, transparency and good governance, the issue of equal access should also be considered and addressed as every citizen would like to enjoy the benefits.

Africa is still far behind in making access to information a guaranteed right. In African countries where the right to information has been implemented, there are also pieces of legislation that are passed to impinge the right to information by limiting access to the very same information. For example, in South Africa PAIA is used parallel with the Secrecy bill. The same applies to Zimbabwe, where the Access to Information and Protection of Privacy Act (AIPPA) is used parallel with the Official Secrets Act (OSA) and Public Order and Security Act (POSA). Furthermore, PAIA also provides for circumstances where information may be refused with a written response detailing justification for such refusal.

However, access to information is largely dependent on the availability of records. For this fundamental right to be able to take force or to be exercised, records must be made available to the requester within a reasonable time, as required by PAIA. A user-friendly systematic arrangement must be in place to allow quick retrieval of information as required by the Constitution of the Republic of South Africa. The NARSSA Act requires the public sector to use the approved records classification system. For example, in accordance with section 13(2)(b)(i) of the NARSSA Act (Act No. 43 of 1996, as amended), the National Archivist shall determine the records classification system to be applied by governmental bodies. Ironically, Makhura and Ngoepe (2006) assert that government departments continue to manage records without approved policies, procedures and classification systems. The NARSSA Act gives the

National Archivist the power to evaluate and approve the records classification system that is to be adopted by the public sector.

In 2012, ODAC began exploring the possibility of an automated online requesting process for PAIA in South Africa. The study revealed that access to information is not a reality in South Africa (OPAC 2012). As per the study, out of the 70 per cent of people who requested information through PAIA, information was granted to only 21 per cent. The implementation of PAIA is an effort by the government to increase transparency and to continuously build and nurture the citizens' trust. However, the issue of costs attached to information requests at times appears to be a barrier to information access. For example, in *Trustees, Biowatch Trust v Register: Genetic Resource & Others* 2005 (4) SA 111 (T), an NGO applying for access to information in a campaign to monitor the risks of genetically modified organisms (GMO) was ordered to pay hefty court costs. The case was appealed to the Supreme Court of Appeal and eventually to the Constitutional Court (Klaaren 2010).

The SAHRC performs a records management audit for government departments. The purpose of the audit is to check the manner in which records are generated, organised and stored. According to the SAHRC (2012:9), a system must be in place for government departments to ensure that all records held by the department are properly documented and organised so that they would be easily accessible and identified when a request for information is received. The University of the State of New York (1994:8) states that accurate, reliable and trustworthy records are the cornerstone of effective programmes for auditing and accountability. Scholars such as Ngoepe (2014) and Ngulube and Ngoepe (2013) also attest to the above statement as they indicate that proper records management is a critical element for an organisation to prepare its financial statements.

The amended Protection of Personal Information Act (POPIA), which resulted in the introduction of the Information Regulator, also fosters the enforcement of PAIA across all spheres of government. Chapter five of the draft POPIA of the Law Reform Commission deals with the establishment of Information Regulator (Allan & Currie 2007). The South African Law Reform Commission recommended that South Africa should adopt an approach similar to that adopted by the European Union (EU) where a body is established to enforce, monitor and promote the adherence of data protection act implemented (De Bruyn 2014).

2.3.2 Records management and the auditing process

Worldwide financial scandals have led to a crisis of confidence in the auditing profession and to serious questions being asked about the integrity of the financial reporting system and the quality and usefulness of the information it generates. In South Africa, corruption appears on every observer's list of factors that threaten to obstruct South Africa's path towards sustainable development (Pillay 2004). However, the AGSA, as the SAI in South Africa is committed to building public confidence by maintaining its independence, hence it is respected locally and internationally (AGSA 2015). Therefore, the AGSA provides independent advice to government with no influence from any public official. Theory posits that an audit by an independent party reduces the information asymmetry and moral hazard issue between preparers and users of financial statement (Minnis 2010).

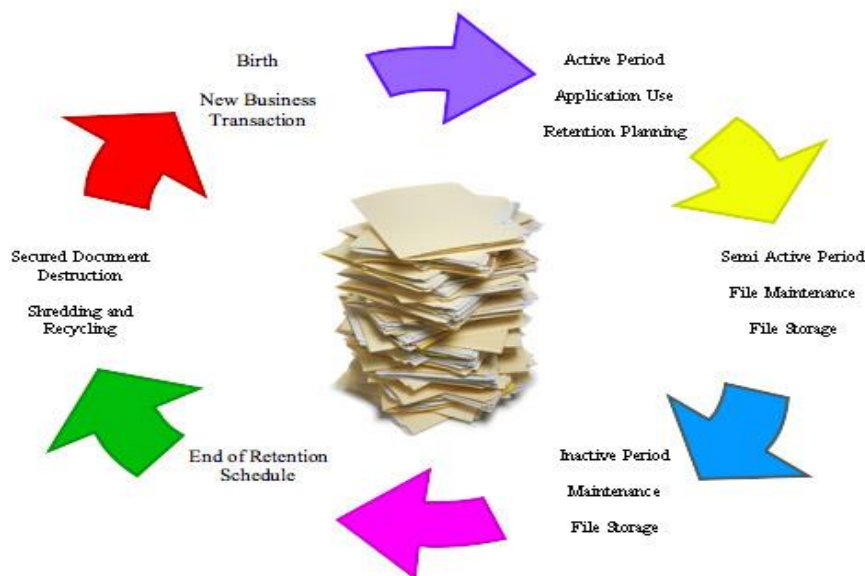
The AGSA audits public institutions in order to check the spending of public money by looking at whether it has been used ideally and for the purpose intended (AGSA 2016). The process is that government entities submit to the AGSA the financial statements for auditing by the AGSA. Authorised auditors examine the fairness and accuracy of the financial statements and thereafter give an audit opinion. Every public entity strives towards obtaining a clean audit in order to distance itself from consequence management and reputational risk. It is common knowledge in South Africa that continuous negative audit outcomes may stimulate a lack of interest to prospective investors as doing business with institutions associated with mismanagement of funds is too risky.

Good financial management is critical to the success of any organisation, regardless of its size and whether it is in the public, private or voluntary sector (IRMT 1999). In the public sector, public funds need to be managed properly as they are audited for reasons pertaining to accountability and good governance. In terms of the PFMA and the MFMA public officials are required to keep records of every financial transaction and submit such records to the auditors for audit purposes as well as the treasury for treasury to prepare consolidated financial statements. For example, section 40 of PFMA indicates that the accounting officer for a department, trading entity or constitutional institution:

- a) must keep full and proper records of the financial affairs of the department, trading entity or constitutional institution in accordance with any prescribed norms and standards;

- b) must prepare those financial statements for each financial year in accordance with generally recognized accounting practice;
- c) must submit those financial statements within two months after the end of a financial year to –
 - i) the Auditor-General for auditing; and
 - ii) the relevant treasury to enable that treasury to prepare consolidated financial statement in terms of section 8 and 19.

The World Bank (2000) asserts that the loss of control of financial records creates opportunities for fraud, leads to loss of revenue and impedes fiscal planning. It also states that when there is no control of financial records, it would not be possible to preserve an audit trail of decisions, actions and transactions. Gilder and Pretorius (2013) indicate that good record keeping is fundamental to accountability in a democratic society. NARSSA (2007) advises the public sector to manage records (regardless of form or medium) immediately after they have been created. NARSSA further outlines that a good practice is to manage records throughout their life cycle. Figure 2.1 shows the records management process



in different stages. The yellow arrow is the stage where records are still active and readily available for auditors or any user, when needed.

Figure 2.1 Records Life Cycle (JD Carton & Sons, INC)

ISO 9001 also highlights the importance of records and documentation for purposes of providing evidence when needed. According to ISO 9001, every organisation should establish a documented procedure to define the controls needed for the identification, storage, protection, retrieval, retention and disposition of records. However, Li Xie (2017) advises that records retention does not decide records' fate outside the control of their creating entity. McDonald and Leveille (2014) assert that the development of records retention and disposition specifications should not be seen as a stand-alone exercise. According to McDonald and Leveille (2014), the process for their development must be incorporated into all of the steps of the systems development life cycle (planning, requirements analysis, design, implementation, maintenance and review) associated with the development and management of the core business process.

In many countries, the public sector's record-keeping systems are weak and have actually collapsed to the point where they barely function (World Bank 2000). The AGSA and the SAHRC reported in recent years that the state of public record keeping is an embarrassment to the country (AGSA 2013; SAHRC 2014). It is further noted that public records are not equipped, resourced or positioned to perform the records auditing and records management support they are required to perform by their mandates (Archival Platform 2015:4). As part of the mandate of the SAHRC to safeguard all human rights, the Commission derives a further mandate from the Promotion of Access to Information Act. There is always an argument that effective access to information depends on good record keeping (Mendel 2005). If a public body spends much time battling to locate a record, the information access system will fail to deliver the desired outcomes.

As reported by IRMT (2002:3), in Nigeria the main audit problems associated with record keeping are non-compliance with procedures for contract documentation, insufficient documentation supporting purchases, incomplete reconciliation, failure to account for stores properly and weakness in documentation, which could give rise to fraud. In Botswana, the Office of the Auditor General revealed cases of poor records management in the audit findings of selected government entities (Mosweu 2011). Poor records management impedes proper accountability in the utilisation of limited public resources.

Auditing is a cornerstone of good public governance (IIA 2012). By providing unbiased, objective assessments of whether public resources are managed responsibly and effectively to

achieve the intended results, auditors help public sector organisations achieve the intended results, which are thorough accountability and integrity, improvement of operations, and instilling confidence among citizens and stakeholders. Therefore, proper record keeping becomes vital, because it is through access to organised records that the public sector is able to provide reliable and legally binding sources of evidence.

Records provide evidence of transactions (NARSSA 2007). Both the PFMA and the MFMA require that public entities should be audited and part of the auditing process should assess the evidence against the financial statements; hence the AGSA (2016) defines an audit as determining “whether there is evidence for the information provided”. Poor record keeping results in delays and non-submission of information for audit purposes. It is evident from most of the AGSA’s audit reports that record keeping is very important to auditing. For example, it is on record where the AG stated in a media release on the overall report for local government improvement for the past five years that record keeping was a major contributor to the huge improvement in audit outcomes (AGSA 2016).

Imagine a situation where an auditor walks into the auditee’s office for auditing and they are advised that all the documents and records were destroyed and no evidence will be provided for transactions made in that financial year. The auditor would not be able to do an audit in such circumstances. Without going into detail, the unavailability of records as evidence may result in a disclaimed audit opinion. The AGSA defines a disclaimer as an audit opinion expressed in cases where the audit was undertaken with no or little sufficient evidence (AGSA 2016). However, if the unavailability of evidence results in the possibility of obtaining a disclaimed audit opinion, one would concur with De Jager (2006) when he states that for as long as auditing is undertaken, relevant and reliable records should be required as evidence.

Yuba (2013) argues that in South Africa, records are not understood to be a valuable and crucial administrative resource and, even if they were, the Department of Arts and Culture (DAC) is not the correct department to oversee that role. South Africa is not the only country facing the challenge of records management, as Mnjama (2004) attests that poor management of records as a resource is evident in many African and Central American countries.

In assisting the DAC, the AGSA can take advantage of its independence by fostering a framework to embed records management into the auditing process in the public sector, as has

been recommended by Ngoepe (2012). This will remind senior managers of their responsibility of ensuring proper and sound records management in the public sector in South Africa. Unlike the National Archivist, the AG is appointed by the president of the republic (Public Audit Act 2004). Due to the influential role derived from the Public Audit Act, the AG must report on the audit findings. Ngoepe (2012) points out that auditors are in a better position to make a powerful contribution to ensuring the betterment of public records management by commenting on cases where record keeping is inadequate and insisting that management should implement sanctions against persistent offenders.

A key way in which organisations can give account of their activities is by keeping evidence of business transactions in the form of records. Records are valuable assets that enable organisations to defend their actions, improve decision-making and prove ownership of physical and intellectual assets. Records also support business processes and prevent corruption (ICA 2008:9). However, Palmer (2000) laments that only few organisations and governments see the connection of records and the prevention of corruption and maladministration.

The purpose of records management in government is to ensure that records are available to support business operations and decision-making (IRMT 2008). According to the Australia National Office Audit (2003), records management is a key component of any organisation's corporate governance. The above statement shares the sentiments of Ngoepe and Van der Walt (2010) when they argue that an effective and efficient records management programme is essential for the governance of any organisation. Governments in developed countries where freedom of information legislation has been enacted are facing increasing public pressure to demonstrate good governance in the management of public resources (Mutula 2006).

During the Library and Information Association of South Africa's (LIASA) 7th annual conference in Polokwane, Ngoepe (2004) stated without any doubt that for governance to be sustained, sound records management needs to be introduced and practiced. On the other hand, Masuku and Makwanise (2012) contend that records and archives, as pillars of accountability, good governance and human rights, not only refer to documented evidence. When it comes to governance, these oral records and archives are often more useful to help the majority of citizens who do not, for one reason or the other, have access to documented ones.

2.4 Mandate of chapter nine institutions in relation to records management

Isa (2009) posits that records are created for the purpose of evidence of transactions for accounting reason. Records are needed to account for transactions and to fight legal battles in every organisation. Records management has long been seen as the graveyard for information; a place to store documents that have passed their sell by date (Makhura 2005:59). In this section, the mandate of chapter nine institutions in relation to records management is discussed. Chapter nine institutions have a specific mandates and the delivery of such mandates is induced by the level of record keeping in the public sector. The SAHRC derives its mandate from PAIA, whereas the AGSA derives its mandate from the PAA. However, the reality is that for PAIA and the PAA to be implemented successfully, records ought to be organised properly. For example, for PAIA to be implemented effectively by the public sector, records management systems need to be put in place to facilitate quick retrieval of information in order to ensure full compliance with the act. Otherwise, the public sector might be liable for paying millions of rands in litigations for failing to implement PAIA properly. For example, on 13 July 2009 the Constitutional Court handed down a judgement in the case of *Brummer v the Minister of Social Development* (SAHA 2016), where the court ruled that section 78(2), which stipulates that in the event of an internal appeal being denied, litigation has to be instigated within 30 days of notification of the outcome of the internal appeal being received. In this case, the court ruled that 30 days is inadequate.

2.4.1 Legislative framework governing chapter nine institutions

All governmental bodies are required by law to comply with legislation governing chapter nine institutions. Well-organised records play a huge role during the auditing process and information required will be made available to the auditors within a reasonable period, at the same process, this will support accountability and good governance. In this section, legislative frameworks governing chapter nine institutions are discussed; however, only legislation that has an impact on records management will be discussed.

2.4.1.1 Promotion of Access to Information Act

PAIA seeks to promote transparency in the public sector. The act provides for the public to have access to state information for the purpose of exercising constitutional rights. PAIA describes in more detail the information one is allowed to receive and how you can go about

obtaining the specific information needed. PAIA defines a record the same way it is defined by the NARSSA Act, which is “recorded information regardless of form or medium” (NARSSA 2006:3). PAIA gives effect to section 32 of the Constitution of the Republic of South Africa, which clearly states that everyone has the right of access to any information held by the state and any information held by another person, and this is required for the exercise or protection of any rights. According to SAHA (2016), the two main objectives of PAIA are the following:

- To give South Africans and non-South Africans a legal right to access information held by public and private bodies, enabling them to more fully exercise and protect their rights.
- To foster a culture of openness and accountability.

One of the areas of potential confusion between NARSSA Act and PAIA centres on the periods prescribed for the automatic release of information (McKinley 2003). The NARSSA Act provides that only the archival information that is more than 20 years old could be made available automatically to the public, but provides the National Archivist with the powers to identify records that might be available sooner (with consideration of protection of privacy). Franks (2013) posits that government records belong to the people and it is the responsibility of the government to ensure that such records are accessible to the public. Most countries have their own version of a public record act. For example, America adopted its legislation on Freedom of Information in 2003, Liberia adopted its Freedom of Information Act in 2010 and Yemen’s parliament approved its Right to Information Bill in 2012 (see appendix B for countries with access to information legislation and years of adoption).

2.4.1.2 Public Audit Act

The PAA gives effect to the provision of the constitution to establish and assign auditing functions to the AGSA. As the SAI, the AGSA derives its mandate from section 188 of the constitution and the PAA, which mandates the AGSA to perform constitutional and other functions. In terms of the PAA, the AGSA is a public sector audit regulator. Like its private sector counterpart, the Independent Regulatory Board of Auditors (IRBA), the AGSA is also authorised to set the public sector auditing standards and to determine educational standards applicable to those who are auditing in the public sector (Gloeck 2012:15). The PAA also enforces adherence to the provisions of the PFMA and the MFMA. Section 14 of the PAA,

which is subject to the PFMA and the MFMA, states that the auditee must submit its financial statements to the AGSA for audit purposes.

Ngoepe (2004) highlights that proper record keeping enables senior managers to present reliable and accurate records to the external auditors. The AGSA performs financial audits to check full compliance with the PFMA. The constitution also plays a role in setting principles of sound financial management. Ngoye (2004) further asserts that the AGSA observes that government departments and municipalities often scramble at financial year-end to compile financial statement for submission to the AGSA in order to comply with the PFMA. As a result, many governmental bodies receive negative audit outcomes with records badly organised. It is for this reason that section 15 of PAA provides for the AGSA to have “unrestricted access to any document, book or written electronic record or information of the auditee, or which reflects or may elucidate the business, financial results, financial position or performance of the auditee”.

2.4.1.3 Public Finance Management Act

The PFMA serves to modernise financial management in the South African public sector in order for the smooth running of the process of public administration, which is focused on achieving sustainable developments and high-level public service (Madue 1999). The purpose of the PFMA is to regulate financial management in the public service and to prevent corruption by ensuring that all governmental bodies manage their financial and other resources properly (NARSSA 2007). Compliance with the PFMA is checked by the AGSA on a yearly basis. The PFMA gives effect to chapter 13 of the constitution. The Constitution of the Republic South Africa also plays a crucial role in setting principles of general sound financial management in the public sector. For an example, sections 213 and 215 to 219 of the constitution regulate financial management in the public sector. Sound management of records contributes to an office’s accountability and ultimately to good governance (Makhura 2005). Poor records management is an enemy to the vital functioning of accounting in an organisation. One of the key functions of the PFMA is to provide information and records on a regular basis to the supreme audit institution (AGSA), the treasury, cabinet and parliament. For example, section 40(a) of the PFMA indicates that the accounting officer of a department, trading entity or constitutional institution must keep full and proper records of the financial affairs of the

department, trading and entity or constitutional institution in accordance with any prescribed norms and standards.

2.4.1.4 Municipal Finance Management Act

The MFMA is a component of legislative reforms and transformation framework given in the White Paper on Local Government (1998). The act provides the foundation for orderly and sound financial management principles and practices in the local sphere of government. Section 5(2) of the MFMA gives the National Treasury the power to monitor the budgets of the municipalities to establish whether they are “consistent with national government’s fiscal and macro-economic policy”. Van Donk, Swilling, Pieterse and Parmel (2008) argue that the provisions of the MFMA are much more onerous than those of PFMA, as the former act makes provision for extensive regulation of municipal systems and planning that does not apply to national departments or provincial governments.

Schellnack-Kelly (2013:136) posits that MFMA contains sections that have a bearing on the management, care and disposal of finance-related records in the public sector. The purpose of the MFMA is to establish the basis for improved financial management, essential to improving service delivery and sustaining municipal services. Section 62(1) of MFMA requires the accounting officer to keep comprehensive records of all financial affairs, according to prescribed standards. The MFMA has many similarities with the PFMA, which specifically relate to national and provincial level public bodies. For example, section 62(1) of the MFMA is similar to section 40(a) of PFMA.

2.5 Records management initiatives by the AGSA and the SAHRC

Many public and civil society organisations have made attempts to assist the public sector with the development of records management. It has been observed on several occasions that organisations such as the Archival Platform, the Development Bank of Southern Africa (DBSA), the SAHRC, the AGSA, the South African Society of Archivists (SASA) and the IRMT have actively contributed towards the improvement of records management in the public sector through initiatives such as training, workshops, conference forums, seminars and other related gatherings. For an example, the DBSA’s records management unit, in partnership with the South African Local Government Association (SALGA), held a very successful records

management conference in 2011 (Makhura 2011:4). Nevertheless, this section will only focus on the records management initiatives made by the SAHRC and the AGSA.

2.5.1 The SAHRC

Every year, the NIOF culminates in the Golden Key Awards ceremony, which is aimed at rewarding best practicing institutions, proactive DIOs and frequent users of PAIA (SAHRC 2014). Through the Golden Key Awards, the SAHRC aims to incentivise non-performing institutions to begin implementing PAIA. The awards categories of the Golden Key Awards are as follows: (a) The best practice institution, (b) The best administrator and (c) The best DIOs. Table 2.1 shows an example of the winners of the Golden Key Awards:

Table 2.1: Golden Key Award winners and different categories (SAHRC 2014)

CATEGORY	NAME OF RECIPIENT
Best practice	Mr Eddie Laubscher – Eskom Ltd
Best administrator	Ms P Sabeka – National Department of Environmental Affairs
Best DIO	Adv Mark Serfontein – KZN Office of the Premier Ms Amelda Crooks – South African Police Service

Furthermore, in 2014, the PAIA unit of the SAHRC produced a video documentary titled “Breaking the Steel Wall: Using the Promotion of Access to Information Act (PAIA) documentary” in collaboration with the Centre for Applied Legal Studies (CALs). The documentary is aimed at educating the public about the right to access to information and how such right can be exercised through PAIA (SAHRC 2014). It is believed that freedom of information gives citizens a mechanism for holding their governments accountable by requesting records about day-to-day official activities and provides the assurance that personal information is only used for legitimate purpose (Wakumoya & Mutula 2005). Many organisations appoint records practitioners to be Deputy Information Officers.

2.5.2 The AGSA

While the role of records management in the auditing process is acknowledged, a decision was made that the AGSA should work together with NARSSA to address the challenges faced by the auditees regarding records management (AGSA 2016). A joint venture between the AGSA and NARSSA was approved in 2012. As per the memorandum of agreement (MoA) signed by the AGSA and NARSSA, certain aspects of records management would be audited going forward. The provision of the agreement is that while the AGSA audits governmental bodies, certain aspects of records management can be checked and brought to the attention of the National Archivist to act on. The PAA gives the AGSA unrestricted access to financial records in the custody of governmental bodies so that it is reported to the records management regulatory body (NARSSA) if it takes time for auditors to get access to such records.

2.6 Summary

By consulting literature, this chapter established that records management plays an important role in promoting accountability, transparency and good governance. In line with that, it is important for chapter nine institutions (as institutions in South Africa that are responsible for promoting accountability, transparency and good governance) to play a role in promoting better and sound records management in the public sector in South Africa. This chapter further provides a literature review on the role that records management plays in ensuring the betterment of service delivery, not only in the public sector in South Africa, but also in other countries. The next chapter examines and justifies the research methodology adopted in this study.

CHAPTER THREE

RESEARCH METHODOLOGY

3.1 Introduction

The previous chapter discussed literature relating to the study. It covered related studies in records management regarding accountability, transparency and good governance. This chapter will take the reader through the methodology applied during the course of the study. A research methodology provides a map of how the study is to be conducted. According Rajasekar, Philominathan and Chinnathambi (2013:5), a researcher does not only have to know how to calculate mean, variance and distribution function for a set of data, how to find the solution of a physical system described by a mathematical model and how to apply a particular method, but also have to know:

- i) which is a suitable method for the chosen problem?
- ii) what is the order of accuracy of the results of a method?
- iii) what is the efficiency of the method?

This study considered all the aspects of research methodology as advised by Rajasekar, Philominathan and Chinnathambi (2013:5).

The purpose of the study was to investigate the contribution of selected chapter nine institutions to records management in the public sector in South Africa, with the view of encouraging a culture of accountability, transparency and good governance. In order to achieve this purpose, empirical data was collected on the contribution of selected chapter nine institutions towards records management in the public sector in South Africa. This chapter provides in detail the research approach and method that were adopted, the population and sampling, data collection tools and trustworthiness. Ethical consideration of the study is also discussed in this chapter.

3.2 Research methodology framework

Figure 3.1 presents the research methodology framework for this study.

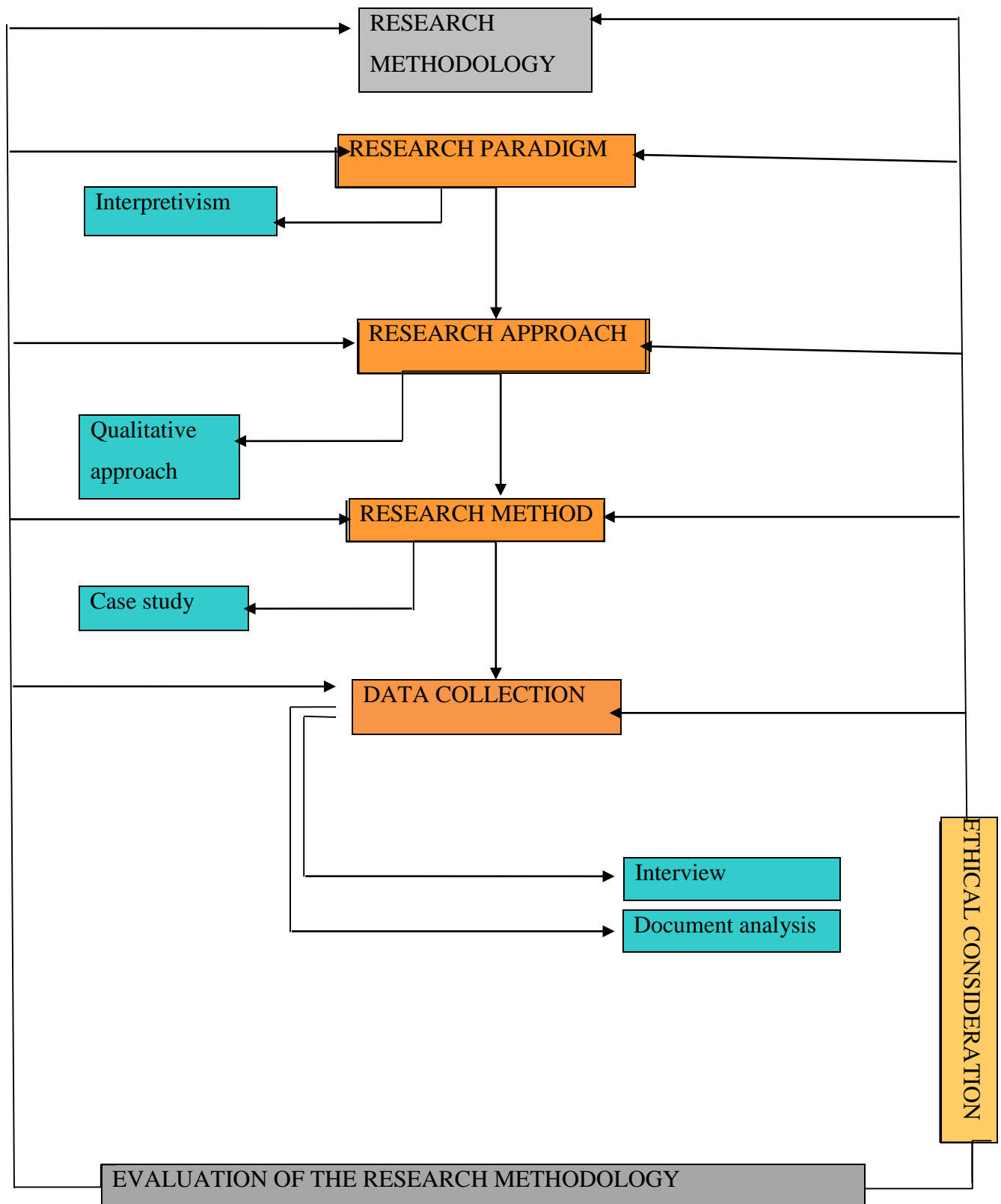


Figure 3.1: Research methodology framework

3.3 Research approaches and associated philosophical paradigm

Creswell (2014:3) argues that research approaches are plans and procedures for research that outline the steps from broad assumptions to detailed methods of data collection, analysis and interpretation. Different types of research approaches are quantitative, qualitative and mixed methods. According to Creswell (2003:18), “a quantitative approach is one in which the investigator primarily uses post-positivist claims for developing knowledge (i.e. cause and effect thinking, reduction to specific variables and hypotheses and questions, use of measurement and observation, and the test of theories)”. A quantitative approach is an approach for testing objective theories by examining the relationship among variables. These variables, in turn, can be measured, typically on instruments, so that numbers data can be analysed using statistical procedures” (Creswell 2003: 2). Quantitative research is associated with the positivist approach. According to positivists, science is seen as the way to get at the truth, to understand the world well enough so that it might be predicted and controlled (Krauss 2005). Positivists believe in empiricism, the idea that observation and measurement are at the core of the scientific endeavour.

Qualitative research is of inductive nature where the researcher wants to gather data to build concepts, hypotheses or theories from bits and pieces of information from interviews and documents (Meriam 2009:15). Qualitative research relies on the interpretivist approach. According to interpretivists, reality is socially constructed. According to Creswell and Creswell (2005), interpretive researchers assume that knowledge and meaning are individual interpretations. It is for that reason that interpretivists tend to rely on participants’ views of the situation being studied. According to Merriam (2009:8), interpretive research, or constructivism, which is where qualitative research is most often located, reality is socially constructed, that is, there is no single observable reality. Rather there are multiple realities, or interpretations of a single event. Researchers do not find knowledge, they construct it. This type of research fits the description of the current study because the researcher sought to construct and interpret information from the AGSA and the SAHRC staff and documents, so as to understand the role that chapter nine institutions can play in records management in the public sector.

The mixed methods approach is used when both qualitative and quantitative methods are combined to address the same overarching research question, but can take many forms (Pickard

2013:18). Tashakhori and Creswell (2007:4) argue that the mixed methods approach is research in which the investigator collects and analyse data, integrates the findings and draws inference using both qualitative and quantitative approaches in a single study or problem of inquiry. The mixed method approach relies on pragmatism.

Given the nature of the information required by this study, the qualitative research approach was employed. Ngulube, Sibanda and Makoni (2013) used a qualitative approach to investigate how access policies influenced access and use of archival collections at Bulawayo Archives. The same approach (qualitative) was adopted by Ngoepe and Keakopa (2011) to assess and compare the current state of archival and records systems in two of ESARBICA member countries, namely South Africa and Botswana. This is the reason why the researcher did not have doubt that the chosen approach could produce the desired results. The qualitative approach gives the participants an opportunity to reflect their thoughts, interpretations and understanding by describing and explaining the situation in their environment. The aim of this study is to obtain findings of organisational functioning, rather than statistical results or procedures.

3.4 Research methods

The research method adopted in this study was a case study. Bhattacharjee (2012) defines a case study as an in-depth investigation of a problem in one or more real-life settings over an extended period of time. A case study is interpretive and data is collected using interviews, personal observations and internal or external documents. Case studies have become one of the most common ways to do qualitative inquiry, but they are neither new nor essentially qualitative. Kumar (2014:155) contends that a case study is a very useful design when exploring an area of which little is known or of which one wants to have a holistic understanding of the situation, phenomenon, episode, site, group or community. There are two types of case studies, namely single and multiple. A single case study is applicable when the case is critical or unique, or where the researcher is able to access a previously remote phenomenon (Christie, Rowe, Perry & Chamard 2000). On the other hand, a multiple case study is applicable when there are more than two cases to be studied. This research study sought to be considered robust and reliable; it is for this reason that the multiple case study was used. Baxter and Jack (2008:550) point out that a multiple case study may be time-consuming and is considered to be robust and reliable. The researcher used the multiple case study for better

understanding of the business environment of the AGSA and the SAHRC, and to investigate whether the corporate structure such as policies, corporate governance and management of the two selected chapter nine institutions can be improved in order to lower the risk of non-compliance in South Africa considerably.

3.5 Target population and sampling

The target population for this research project was the employees of selected chapter nine institutions in South Africa, namely the SAHRC and the AGSA. Denscombe (2007:13) argues that “social researchers are frequently faced with the fact that they cannot collect data from everyone who is in the category being researched”. When you apply your mind to this quote, you will realise that social researchers always rely on obtaining evidence from a portion of the whole with expectation and in the hope that what is found in that portion, applies equally to the rest of the population.

As per the SAHRC organogram (2015), which was the sampling frame used by the study, the PAIA section of the SAHRC comprises three staff members (the acting head of the section and the two compliance officers). Therefore, the sample was selected purposively by focusing on the three PAIA staff members at the SAHRC. For the AGSA, the focus was on three management staff members in the records management division, that is, the executive responsible for the division, the records manager and the deputy records manager, as well as five auditors. The chosen sampling is motivated by the mandate given to the selected chapter nine institutions being studied and the role they play and the responsibility they have in ensuring good governance in public sectors in South Africa. The researcher used purposive sampling, as the researcher knew the reliable professionals who would provide the information required by this study. Purposive sampling is defined as a qualitative sampling technique where the researcher uses his or her judgement to select from the population members whom the researcher feels would provide the desired or accurate information (Ritchie, Lewis, Nichols & Ormston 2013). In purposive sampling, the researcher handpicks subjects on the basis of specific characteristics, building up a sample of sufficient size having the desired traits (David & Sutton 2004:199).

3.6 Data collection tools

In this study, interviews were used to obtain data by asking people rather than observing them (participants) in their workplaces. Data from interviews were augmented through analysis of documents such as annual reports, acts and operational plans, policies and procedures, together with strategic plans.

3.6.1 Interviews

Janesick (2004:30) defines an interview as “a meeting of two persons to exchange information and ideas through questions and responses, resulting in communication and joint construction of meaning about a particular topic”. There are three types of interviews, namely structured, unstructured and semi-structured. In a structured interview, the interviewer usually is not allowed to deviate from a rigid protocol or interview schedule (Esternberg 2002:84). This type of interview would have been problematic to this study because rigidly adhering to predetermined questions would not have allowed the researcher to access the participant’s perspective understanding of the area being investigated.

The second type of interview is an unstructured interview. This type of interview is useful when the researcher does not know enough about the phenomenon to ask relevant questions. Kumar (2014:177) posits that the main strength of an unstructured interview lies in having almost complete freedom in terms of its structure, contents, question wording and order.

The third and the last type of interview is a semi-structured interview. Semi-structured interviews are much less rigid than structured interviews. Because of the exploratory nature of the research, the researcher used semi-structured interviews. Participants were required to express their opinions and ideas in their own words. In other words, the interviewee’s response shaped the order and structure of the interview (Esternberg 2002: 86). The possibility of distortion on the part of participants was considered. This type of interview was used with the aim of accessing what was in the interviewee’s mind (Pickard 2013:196). Guyette (1983:59) outlines the disadvantage of the interview by indicating that the participants sometimes give the response they think the researcher wants to hear, rather than their own opinion. To mitigate the above disadvantage, the respondents were advised before the interview that the information provided would be handled with confidentiality and transparency and, in that regard, would

add value to the project. Permission was sought and from the AGSA and the SAHRC to interview their selected members of staff. The Deputy Auditor-General granted the permission to interview the AGSA staff members and the CEO of the SAHRC granted the permission to interview the staff members at the Commission.

3.6.2 Document analysis

Document analysis is a form of qualitative research in which documents are interpreted by the researcher to give a meaningful explanation to a topic (Administration methods 2010). According to Bowen (2009), document analysis is a systematic procedure for reviewing or evaluating documents – both printed and electronic materials. It refers to analysing and interpreting data generated from a number of documents and records relevant to a particular study or topic. Labuschagne (2003:101) asserts that document analysis yields experts, quotations or entire passage from records, correspondence, official reports and open-ended survey. However, O’Leary (2014) posits that before the actual document analysis takes place, the researcher must go through a detailed planning process in order to ensure reliable results. Documents such as strategic plans, pieces of legislation, annual plans and other internal publications were analysed.

3.7 Data analysis

One of the most important steps in the qualitative research process is the analysis of data (Leech & Onwuegbuzie 2007). After the research has been conducted, a recorded interview with key informants was transcribed and participants were listed and assigned codes before analysing the data for reporting. In qualitative enquiry, coding refers to assigning a summative, salient, essence-capturing and/or evocative attribute for a portion of language-based or visual data (Saldaria 2009:3). The documents and the recorded interviews were analysed using thematic analyses. This means that the data was examined to extract core themes that could be distinguished between and within transcripts (Bryman 2012). General and specific topics were used to determine whether there are disagreements on the issue.

3.8 Trustworthiness of data

Ndenje-Sichalwe (2010: 158) indicates that the quality of a research study depends largely on the accuracy of the data collection procedure. This simply means that the correct usage of data collection instruments ensures trustworthiness of research results. Many qualitative researchers use free-form text-storage and retrieval products such as askSAM, FileMaker Pro or text-counting and sorting packages such as TextPack PC to advance the quality of their findings (Sinkovics, Penz & Ghauri 2009). According to Meriam (2009: 209), all research is concerned with producing trustworthy results. However, Morrow (2005:251) posits that criteria for trustworthiness in qualitative research are closely tied to the paradigmatic underpinning of the particular discipline in which a particular investigation is conducted.

To avoid the bias from the participants, more data was collected through document analysis in order to compare it against what has been presented by the participants. Yilmaz (2003) highlights that the credibility of a qualitative study is affected by the extent to which systematic data collection procedure, multiple data source, triangulation, thick and rich description, external reviews or member checking, external audits and other techniques for producing trustworthy data are used. Documents such as strategic plans, annual reports and annual performance plans were analysed to reduce over-reliance on answers and experience that are mostly subjective in nature. Document analysis provides in-depth insights through objective interpretation of experiences that provide open answers about reality.

3.8.1 Pre-testing the instrument

The primary goal of social research is to provide results that are valid, reliable, sensitive, unbiased and complete (Collins 2003). As Ngulube (2005:136) puts it, pre-testing the interview is one of the tools that can be used for content validation. One of the advantages of pre-testing the interview is that it might give advance warning about where the main research project could fail, where research protocols may not be followed or where proposed methods or instruments were inappropriate or perhaps too complicated (Van Teijlingen & Hundley 2002). The primary goal of the researcher was to provide the questions that are understood by all respondents in the same way and in a way the researcher intended, as advised by Collins (2003:232). Chenail (2011) asserts that pre-testing of the instrument is a usual procedure for testing the quality of an interview protocol and for identifying potential research biases.

For the present study, pre-testing of the instrument (interview) was done accordingly. The pre-testing was done successfully on a panel of experts in the field of records management with the aim of obtaining professional opinion concerning the instruments. Issues raised by interviewees during the pre-testing of the study revolved around the technicality and ambiguity of the questions. For example, few items on the list of interview questions had to be rephrased in order to be clear and specific. Other items such as items 6 and 20 had to be provided with sub-questions as those questions appeared to be too general.

3.9 Evaluation of research procedure

Ngulube (2005:48) asserts that all research methods are imperfect and their imperfections inevitably cast at least a hint of doubt on their findings. If this is the case, it is necessary to evaluate the research procedure that has been followed to collect and analyse the data. This study used a qualitative method. The combination of interview and document analysis proved to be useful as the data obtained through interviews were compared to the one obtained through document analysis.

Some challenges were experienced by the researcher with regard to the availability of the participants. Some of the participants were not available for the interview and as such, the researcher managed to interview only two people from the SAHRC, instead of three. The head of the section was on sick leave during the data collection period. At the AGSA, two officials (the records manager and deputy records manager) from the records management division were interviewed. The plan had been to interview the head of the knowledge and records management section, but the official asked to be excused from participating in the study citing that she might be biased and provide the answers that are in favour of her organisation. Her views were highly valued by the researcher. This is due to the fact that anecdotal evidence suggests that some public servants fear that the AGSA might take over the mandate of NARSSA with regard to record keeping. However, the researcher was able to interview all the auditors who were selected. Unfortunately, there was no replacement for the two participants who were not available for interview, as they were the heads of the business units and no one could answer on their behalf.

3.10 Summary

This chapter discussed the research methodology used and explained the rationale for utilising an interview and document analysis only. The choice of methodology was informed by the problem statement of the study. The target population and sampling were clearly presented. The issue of trustworthiness was also considered to enhance the quality of findings. The next chapter will focus on the presentation of results obtained through interviews with selected officials from the SAHRC and the AGSA, and through document analysis.

CHAPTER FOUR

PRESENTATION OF THE FINDINGS OF THE STUDY

4.1 Introduction

The previous chapter discussed the research methodology adopted in this study. It covered the research methodology framework, research approach and associated philosophical paradigm, research method, target population and sampling, data collection tools, trustworthiness of data and the evaluation of the research procedure. The population of this study was sampled using the purposive sampling technique.

Having delineated the research methodology in the previous chapter, this chapter serves to present and analyse the empirical data gathered from the interview and document analysis. According to the National Institute for Health Research (2009), data presentation is a process of describing the data that was gathered, while analysing data involves building themes from that data that would serve as answers to the main research questions. It is important to integrate the two in order to enhance the quality of findings.

4.2 Analysis strategy

The general purpose of the study was to investigate the contribution of selected chapter nine institutions to records management in the public sector in South Africa, with the aim of encouraging a culture of accountability, transparency and good governance through records management. It has been highlighted in the previous chapter that the samples of research include three staff members from the SAHRC (PAIA compliance officers and the head of the PAIA section), three staff members from the records management section at the AGSA (the head of the knowledge and records management section, records manager and deputy records manager) and five auditors.

As highlighted in the previous chapter, themes were used to categorise the findings of the study. The data was analysed manually as reflected in Table 4.1:

- Each participant was assigned a code
- The data collected was sorted as per codes and themes

- Naming of categories

As reflected in Table 4.1, the interviews were categorised as follows:

1. Two compliance officers at the SAHRC
2. Records manager and deputy records manager at the AGSA
3. Five auditors at the AGSA

Table 4.1: Breakdown of participants

Organisation	Code	Position	Total
1. SAHRC	1A-B	Compliance officers at the SAHRC	2
2. AGSA 1	2A-B	Records management officials at the AGSA	2
3. AGSA 2	3A-E	Auditors at the AGSA	5

As reflected in Table 4.1, the researcher tried to demonstrate the manner in which anonymity was preserved throughout the entire study. Instead of mentioning the names and positions of the officials, the researcher used the codes each time a participant is quoted. For example, if the researcher wishes to quote any of the compliance officers at the SAHRC, he will refer to them as either 1A or 1B.

The following themes were drawn from the main research questions, but this time, the researcher attempted to break down each research question in order to give specific answers to the questions. Since this research is more based on empirical evidence, the information gathered during the interviews and through document analysis will be used to enhance the quality of discussions. The results from the SAHRC were separated from the results of the AGSA. Results are presented according to the objectives of the study.

4.3 Qualitative presentation of data from the SAHRC

The following is a presentation of data collected from participants at the SAHRC.

Two compliance officers were interviewed and documents such as the strategic plan, operational plan, annual plan and policies were analysed during the data collection process.

4.3.1 The analysis of the SAHRC's mandate to determine the relationship with records management

The first research objective sought to find the state of the relationship between the SAHRC's mandate and records management. In this research question, the following items were covered:

- Key legislation
- The role of the SAHRC towards records management
- The impact of records management on an organisational mandate

4.3.1.1 Key legislation

Participants were asked which piece of legislation mandates their respective organisation to perform its line function. Both 1A and 1B listed PAIA, and the SAHRC Act. Participant 1A also listed the POPIA as one of the acts that affects their work. The legislation mandating the operations of the work done by the SAHRC as far as access to information is concerned is PAIA. The act (PAIA) gives effect to section 32 of the Constitution of the Republic of South Africa, which allows for everyone to have access to information. In order to ensure that there is unlimited access to information in South Africa, a law was passed by parliament in 2000 (see Appendix B for a list of countries with freedom of information law and the year adopted). Section 83 of PAIA outlines the SAHRC's mandate in advancing the right of access to information. The SAHRC uses the submitted manuals to monitor compliance with PAIA.

PAIA provides for the private and public sector to compile a manual that contains certain information that PAIA specifies. The manual should explain to the public how they can request access to information held by the public sector. In terms of PAIA, the manual should be available on the website for public consumption. With regard to the public body, an information officer needs to compile a section 14 manual in at least three official languages and the manual should contain a description of its structure and functions, contact details such as telephone, postal and street address, sufficient detail to facilitate request of access to records, and description of the services available to members of the public.

PAIA gives a clear definition of what a record is, but it does not contain a definition of the concept of “information”. One would wonder what information is and why the concept is not defined by the act, because the act promotes access to information, as opposed to access to records. Therefore, it would be expected to find the definition of “information” under the definition of terms in the act. Without necessarily dwelling too much on the difference between a record and information, PAIA describes how government can give and obtain information. The act further allows members of the public to access records quickly, simply and at an affordable price. What the act fails to do is to provide advice on how records should be organised in order to speed up the retrieval process. The act also fails to determine the period for which a record can be retained in the custody of the public sector. However, the good part about PAIA is that the act cares less about who or which institution created such record. What is important to PAIA is the name of the public entity or private company holding the record at the time of request.

4.3.1.2 The role of the SAHRC towards records management

To deliver on its mandate, the SAHRC relies on records management. Participants were asked if their respective organisations have a role to play towards records management in the public sector.

Participant 1A at the SAHRC indicated that the SAHRC plays a role towards records management in the public sector as the officials sometimes receive request from public sector officials who want to be trained in records management. Participant 1A also indicated that they host an annual event called the Information Officer’s Forum where issues related to records management are discussed with a view to finding solutions for challenges faced by DIOs in the public sector. Another issue that was indicated by the participants is that part of their PAIA training is on record keeping.

4.3.1.3 The impact of records management on an organisational mandate

Participants were asked if records management or record keeping in the public sector has an impact on their organisations’ delivery mandates. Participant 1A from the SAHRC indicated that in all the training they conduct on PAIA, record keeping is overemphasised as the SAHRC strongly believes that PAIA and records management should never be separated. Participant

1B indicated that for a government department to fully implement or comply with PAIA, it should have its records organised. “Otherwise, records would not be provided when requested in terms of PAIA”. Participants further outlined that the complaints they receive from clients in most cases reveal that records management in most organisations is neglected and abandoned by top management, resulting in situations where records management programmes are not given sufficient resources to perform their function.

4.3.2 The working relationship between NARSSA and the SAHRC

The second research objective sought to discover if there is a working relationship between the SAHRC and NARSSA to achieve the common goal of accountability. NARSSA, together with the SAHRC, has an almost similar goal, which is to promote accountability, transparency and good governance in the public sector. This question sought to find if there is an existing relationship between the two entities.

Both participants 1A and 1B indicated that their relationship with NARSSA is not that strong. The only time they engage with NARSSA is when they invite archivists from NARSSA for NIOF event. Both participants could not remember any single day where NARSSA invited the SAHRC to attend one of their events or workshops. Furthermore, the SAHRC strategic outcome oriented goal as per the strategic plan 2010 to 2015 is to strengthen the Commission’s relationship with key stakeholders. Parliament, the media and civil society organisations are cited in the strategic plan to be the key stakeholders for the Commission. NARSSA has not been cited as an important stakeholder for the SAHRC.

Participants 1A and 1B highlight that “there is a serious need for the SAHRC to fully engage with NARSSA in order to address access to information challenges in the public sector”. According to participant 1A, “this even creates a problem for the implementation of PAIA in the public sector in the sense that while the SAHRC recommends that records managers be appointed as deputy information officers in terms of PAIA, this is not the case. As a result, divisions such as legal services within the public sector take over PAIA responsibilities while records management takes back seat”.

4.3.3 The influence of the SAHRC on records management in the public sector

The aim of this objective was to see whether chapter nine institutions have an influence on records management practices in the public sector as far as the mandate for the two institutions is concerned. PAIA provides for the public body to submit to the SAHRC annually reports detailing the number of request for access to information received, the number of request for access granted, the number of appeals, the number of cases and the number of applications to court as part of the monitoring process. The report is sent to parliament for perusal as part of the annual report. The following items were covered:

- Fostering of proper record keeping
- Synchronisation of the SAHRC mandate with that of NARSSA
- implementation of recommendations

4.3.3.1 Fostering proper record keeping

Participants were asked if their institution has an influential role in terms of fostering proper record keeping in the public sector. Participant 1A from the SAHRC asserted that the SAHRC does not have a huge role in or influence on records management in the public sector. “However, for PAIA to be implemented effectively, records have to be organised. In most government departments, this is not the case. This is evident when we conduct audits in terms of PAIA. We are often told by records managers that NARSSA hardly conduct audits or assists in the development of classification systems”. Participant 1B from the SAHRC was of the view that the SAHRC should have an influential role on record keeping in the public sector, but, unfortunately, this is not happening. Participant 1B also blamed the Department of Justice and Correctional Service (DJCS) for “not fostering the implementation of recommendations made by the Commission”. The court of law, as suggested by the participant, must also provide clarity on the extent to which the recommendations made by the SAHRC can be binding.

4.3.3.2 Synchronisation of the SAHRC mandate with that of NARSSA

This objective sought to get an idea from participants of how the SAHRC’s mandates can be synchronised with that of NARSSA as far as access to information is concerned. Participant

1A from the SAHRC indicated that PAIA promotes record keeping. The title of the act (PAIA) can be misleading as it says “Promotion of Access to Information” as opposed to “Promotion of Access to Records”, but the act itself talks less about information than records. The act does not even define ‘information’ under “Definitions of concepts”, instead, it defines ‘record’. When asked why the mandate of PAIA is not shifted to NARSSA, Participant 1A indicated that it is because access to information is a human rights issue in terms of section 32 of the Constitution of Republic of South Africa and all human rights issues are handled by the SAHRC. She further indicated “however, arrangements can be made with the national archives in order to fully implement the act”.

4.3.3.3 Implementation of recommendations

Participants were asked to what extent the recommendations made by the SAHRC on records management are implemented by the public sector. Participant 1B complained about the lack or poor implementation of the recommendations by the public sector, whereas participant 1A indicated that the results were positive considering what the PAIA report says in terms of compliance. Participant 1A further indicated that compliance is very low, but there is a significant change of statistics as far as compliance is concerned. According to participant 1A, this can be attributed to the fact that “the commission name and shame public bodies that do not comply with the act by publishing their names as an annexure to the annual report. This annual report is then submitted to parliament. However, what is discouraging is that the cabinet is doing nothing about that. Perhaps there should be lobbying and sensitising of the parliamentarians. Most municipalities can’t even comply with the basics of PAIA, for example compilation of a section 14 manual and submission of section 32 reports to the commission”. When asked about the punitive actions in this regard, participant 1A indicated that “information officers who fail to compile a section 14 manual are liable to conviction of a fine or two years imprisonment. However, I don’t have any information that such has happened as there are many municipalities that don’t submit the manuals. These manuals are to be translated into at least three official languages and published on the websites of the entities. A file plan should form part of such a manual. In most instances, public bodies don’t have file plans. So it is a huge challenge”.

It has been indicated under strategic plan outcome oriented goal number eight of the SAHRC that the SAHRC will continue to use the reports, findings and recommendations to influence

government policy direction and legislations (SAHRC strategic plan 2014 to 2017). However, it occurs as if the SAHRC is currently not doing enough to influence senior public officials.

4.3.4 Measures put by the SAHRC to promote accountability, transparency and good governance through records management in the public sector

Some measures put in place by the SAHRC were already outlined in Chapter Two; nevertheless, it was important to discuss with the participants. This objective sought to find out if measures have been put in place by the SAHRC to promote accountability, transparency and good governance through the management of records in the public sector. The following items were covered:

- Contribution of the SAHRC towards records management
- Engagement with NARSSA
- Promotion of records management

4.3.4.1 Contribution of the SAHRC towards records management

Participants were asked if their respective organisations have done anything to implement issues relating to record keeping in the public sector. Both participants 1A and 1B cited that their organisations conduct PAIA training from time to time, where issues relating to proper record keeping are emphasised. Section 83 of PAIA provides that the SAHRC may train information officers and DIOs of public bodies. Since the inception of the act, the SAHRC has largely focused its efforts and resources on the training of public officials based on the fact that they are, in most instances, the primary holders of information required by the public (SAHRC 2016). It is further indicated that the training programme developed by the SAHRC is informed by the outcome of research, compliance assessment and information received from members of the public and the state, amongst others. Without necessarily mentioning all the 16 training workshops held by the PAIA unit of the SAHRC in the 2014/15 financial year, some of the workshops conducted included the following:

- The national LIASA workshop
- The national Archives workshop
- The North West Directorate of Library, Information and Archives Services

According to participant 2A, the other contribution is in the form of auditing of PAIA compliance in the public sector. Since 2008, the SAHRC has been conducting PAIA implementation audits in respect of its mandate in terms of section 83(3)(b) and (d) of PAIA. According to the SAHRC (2012), the audit empowers the SAHRC to monitor implementation and make recommendations to private and public bodies on ways of administering and implementing PAIA. Participant 2A indicated that the PAIA compliance audit is intended to support public institutions in identifying their key implementation challenges and how to address them. The PAIA compliance audit further provides insight into the levels of implementation in the public sector and highlights the sector's readiness to deliver fully on the right of access to information. "While auditing PAIA compliance, this also raises awareness with regard to records management".

4.3.4.2 Engagement with NARSSA

Participants were asked if they have a close working relationship with NARSSA, perhaps in the form of engagements through gatherings. In this case, gatherings refer to workshops, seminars, meetings, trainings, roadshows, round table discussions and any other form of gatherings where records management issues are discussed. Both participants 1A and 1B from the SAHRC indicated that they were never invited to any gathering organised by NARSSA. The only thing mentioned by participant 1A, was a Records Management Forum (RMF) of which staff members of both the SAHRC and NARSSA are members. This is the only forum or platform where the two institutions engage. It has been mentioned in section 4.3.2.1 of this study that the SAHRC does not see NARSSA as a key stakeholder, according to the Commissions' strategic plan 2015 to 2020. It is also expected that a senior official from NARSSA should be invited to render a presentation at the NIOF event organised by the SAHRC, but it seems strange that nobody from NARSSA is invited to present. For example, in 2015, the SAHRC had a successful NIOF where presentations were heard from the DJCD, Department of Cooperative Governance and Traditional Affairs (COGTA), the AGSA and Department of Performance, Monitoring and Evaluation (DPME).

4.3.4.3 Promotion of records management

Participants were asked about records management programmes implemented by the SAHRC to support records management services in the public sector in South Africa.

Participants 1A and 1B from the SAHRC mentioned PAIA workshops and the NIOF that take place every year. This question sought to find out if there were any other programme, apart from the workshops and training sessions that have been implemented by the SAHRC in support of records management in the public sector.

4.3.5 Recommendations on fostering accountability, transparency and good governance in the public sector

This objective sought to find out if participants have anything in mind that would foster accountability, transparency and good governance in the public sector as far as records management is concerned. The following items were covered:

- Punitive actions
- Positive outcomes achieved
- The impact of records on access to information
- Recommendations by participants

4.3.5.1 Punitive actions

Participants were asked if there are any punitive actions that can be imposed towards non-compliance by governmental bodies. Participant 1A from the SAHRC recommended that parliament should change its attitude towards PAIA and foster the implementation of the recommendations made by the SAHRC. Participant 1A further suggested that there should be sanctions as per the act. According to participant 1A, PAIA is clear in terms of sanctions for non-compliance, and what is needed for now is the implementation of the sanctions as provided by the act itself. The participant also lamented about the fact that South Africa is well known for powerful legislation that are not implemented. As per participant 1A, even if a certain act is implemented, some parts of a provision might not be implemented properly or fully. Parliament must receive the blame for the lack of implementation of recommendations because the SAHRC submits PAIA reports to parliament every year, detailing all public and private bodies' names, together with their compliance status. Participants 1B suggested that there should be a PAIA audit every year and sanctions should be imposed if one institution is found to be not complying. With regard to punishment for non-compliance, participant 1A indicated

that “information officers who fail to compile a section 14 manual or submit a section 32 report are liable on conviction to a fine or two years imprisonment. However, there is no evidence that such punitive action has ever been meted to information officers. Information officers are the administrative head of organisations and should be in a position to appoint or designate officials to implement PAIA. In most instances, we recommend that such officials should also be responsible for records management. However, according to our PAIA audit reports; this has not been done in most governmental bodies”.

4.3.5.2 Positive outcomes achieved

Participants were asked if any positive outcomes are achieved by their respective organisations in relation to records management in the public sector. This question was aimed at assessing the level of compliance and the role that the SAHRC can play towards the management of records in the public sector with a view to encouraging a culture of accountability, transparency and good governance. Participant 1A from the SAHRC indicated that PAIA compliance at the local government is very low and every year the SAHRC reports on the lack of willingness by local government to comply with the act. However, participant 1A was impressed with the response from members of the public who requested training on PAIA from the SAHRC. According to the annual report of the SAHRC (2009/10; 2014/15), such requests were also received from public organisations such as the South African Reserve Bank, Mpumalanga Department of Sport, Arts and Culture and the City of Cape Town.

Participant 2A indicated that “the looming establishment of Information Regulator is also a step closer to information access realisation by the public as the institution will be responsible for the general work of PAIA. However, it still remains to be seen if every PAIA-related activity will be transferred to the Information Regulator. Participants indicated that the focus of their work is to check compliance with PAIA, as opposed to checking how records are organised. As participant 1A put it “It doesn’t matter whether heaven and earth moved for one to retrieve the record requested, what matters most is that a request should be handled within 30 calendar days of receipt as per PAIA prescriptions”. However, the participants acknowledge the importance of records management and feel that something should be done to embed record keeping into PAIA compliance.

4.3.5.3 The impact of records on access to information

Participants were asked if the public sector could deliver as expected in terms of PAIA if the records are not organised properly. This question was asked to staff members of the SAHRC as it deals specifically with PAIA. Participant 1A indicated that without organised records, the implementation of PAIA would be very difficult considering that there are time frames that need to be adhered to when searching for a record. Therefore, in cases where records are not properly organised, access to information may be delayed. Participant 1B was of the view that there cannot be full compliance with PAIA if records are not in order because access to information depends on the systematic arrangements of documents. Participants further indicated that the reason why information requests are sometimes not responded to is because, at times, public officials do not know exactly where the records are.

4.3.5.4 Recommendations by participants

The participants were asked to recommend some of the things that can be done to enhance record keeping in the public sector. Because record keeping in the public sector affects the mandate of their organisations, the researcher was of the view that participants may have suggestions in mind about what can be done to enhance the quality of record keeping in the public sector. Participant 1A was of the view that the technicality involving records management should not be taken for granted. “Records management is not just about filing. It is more than that, as a number of activities have to be done, for example, records survey (audits), classification systems, retention periods, disposal authority, digital records, etc. All these need specialised skills to develop, manage and sustain. Therefore, qualified people need to be employed to manage records in the public sector. Failure to transform the pattern would result in records being in the state of a mess as reported by the AGSA reports”. According to participant 2A, “service providers need to be hired to clean all the “mess” created by unorganised records in the public sector”. The participant further indicated that the public sector must also take advantage of technological development and make use of the necessary equipment to fulfil their records management tasks. Furthermore, awareness and workshops must be conducted on records management to sensitise senior management. This can be done by qualified records managers in collaboration with NARSSA. This will come in handy when records are requested in terms of PAIA because they can be retrieved within 15 minutes as prescribed by international standards. However, as the statuesque can remain, it would continue

to take governmental bodies more than a month to retrieve requested files. As a result, officials will spend more time searching for information rather than acting on the information”.

4.4 Qualitative presentation of data from the AGSA

The following is a presentation of data collected from participants at the AGSA. The records manager, the assistant records manager and five auditors were interviewed and some documents were analysed during the data collection process.

4.4.1 The analysis of the AGSA’s mandate to determine the relationship with records management

The first research objective sought to discover what the state of the relationship between the mandate of NARSSA and the AGSA was. In this research objective, the following items were covered:

- Key legislation
- The role of the AGSA towards records management
- The impact of records management on an organisational mandate

4.4.1.1 Key legislation

Participants were asked which pieces of legislation mandate their respective organisation to perform line functions. Participants 2A, 2B, 3A, 3B, 3C, 3D and 3E listed the PAA. Participant 2B further indicated that the PAA is used together with the PFMA and the MFMA as the role of the AGSA is to monitor compliance with the two pieces of legislation. A sub-question was asked to find the pieces of legislation that have an impact on record keeping and the following pieces of legislation were listed by all participants: POPI, PAJA, PAIA PAA, PFMA and MFMA. For example, the purpose of the PFMA is to regulate financial management in the public service and prevent corruption by ensuring that all governmental bodies properly manage their financial and other resources. In terms of section 36(2) of the PFMA, the head of a government department is the accounting officer of the department. Section 10(1) (b) further states that the accounting officer must prepare financial statements for each financial year and submit them to the AGSA. According to participant 2A, “for the accounting officer to prepare financial statements, he/she will need records of expenditure and income. If these records are

not available or not organised, the accounting officer will not be able to present the statements to the AGSA. If the statements are presented but there is no supporting documentation, the AGSA would issue a disclaimer opinion to the governmental body. Organisations receiving disclaimers face serious risks, as investors may not invest in such companies or public bodies. If it is a municipality, this will lead to service a delivery protest as it is the case in South Africa. Relevant records are required to support activities performed in the course of business”.

The key legislation mandating the work of the AGSA as far as access to public records is concerned, is PAA. The act gives effect to the provisions of the constitution in establishing audit functions and assigning them to the AGSA. Some of the functions of the AGSA as stipulated in PAA are the following: audit and report on the accounts, financial statements and financial management of all state-owned entities; may cooperate with persons, institutions and associations, nationally and internationally; and may, in the public interest, report any matter within the functions of the AGSA and submit such report to the relevant legislature and to any other organ of state with a direct interest in the matter. As stated in section (1) of the PAA, an audit is defined as the examination or investigation, in accordance with any applicable audit standards, of those aspects to be reported on in terms of section 20 or 28 of the act.

The PAA gives effect to the provision of the constitution by establishing and assigning functions to the AGSA, which is the supreme audit institution in the South African public sector. The PAA assists and protects the AGSA in order to ensure its independence, impartiality, dignity and effectiveness. Section 3 of PAA further unpacks the independence powers of the PAA by indicating that the AGSA has full legal capacity, is independent and must exercise its powers with no fear, favour and prejudice. In terms of the PAA, the primary role of the AGSA is to audit public entities listed in the PFMA and any other institution that may not have been listed in the PFMA, but that receives funds from the National Revenue Fund or Provincial Revenue Fund.

The constitution recognises the importance of the AGSA by providing that the institution is subject to the constitution and the law, it must be impartial and must exercise its powers and perform its functions without fear, favour and prejudice. Section 181(5) provides that the AGSA is accountable to the National Assembly (NA), and must report on its activities and the performance of its functions to the National Assembly at least once a year. In order to enforce the provisions of the constitution, the AGSA further derives its mandate from national

legislation such as the PAA. The PAA gives effect to the provision of the constitution by providing for the establishment of the AGSA and by further indicating the independence of the institution.

The PAA assigns functions to the AG and outlines the appointment process of the AG and Deputy AG. In terms of the act, the PAA provides for the AG to be appointed by the president, subject to the recommendations of the National Assembly. As the SAI, the AG must determine the standards to be applied in performing audits and the procedure for handling complaints when performing such audits. After the compilation of these standards, a directive is issued to inform members of the public, including appointed auditors of the new audit standards.

4.4.1.2 The role of the AGSA towards records management

Both participants 2A and 2B indicated that their organisation was not mandated or obliged to play a role towards records management in the public sector; but because record keeping in the public sector impacts on the AGSA's mandate to deliver positive results, they are left with no option but to intervene and assist where possible on matters relating to the management of records in the public sector. The AGSA's strategic plan for 2013 to 2016 outlines the acknowledgement of the strategic importance of information and knowledge management to effectively manage the system of sharing and transferring information. The institution "commits itself to ensure mature information governance in such a manner that the AGSA can lead the field through participation in various forums and initiatives to be able to provide guidance to the public and internally with the aim of leading by example" (AGSA Strategic Plan 2013-2016).

Participant 3A was not sure if the AGSA plays a role to records management. Participant 3B indicated that the role played by the AGSA in most cases comes through the recommendations that the AGSA makes after every audit. The recommendations are revisited from time to time to check if they have been addressed by auditees. Participant 3C was of the view that there her organisation surely plays a role towards records management in the public sector, but unfortunately nothing is being done to assist the public sector. They state that, "currently, the AGSA organises records management seminars for governmental bodies. One may argue that this is stepping on the toes of the national archives. However, because of a lack of resources at

the national archives, I think these seminars and roadshows will help a great deal in records management”.

Participant 3D indicated that auditors audit and give an audit opinion on the financial statements prepared by government departments and public entities. “By so doing”, they said, “we enhance the quality of information presented to parliament, add value to how government should improve their record keeping and also audit predetermined objectives”. Participant 3E indicated that he was not aware of anything being done by their organisation towards records management in the public sector. The participant states, “As I am from the audit business unit, I am interested in auditing and reporting. How the information is supplied to me by the auditee doesn’t really matter that much. However, we must always make sure that we receive reliable authentic information as in some cases auditees can create a record to satisfy an audit. For example, if, as an auditor, you need an invoice as proof to validate a transaction and the auditee is unable to provide such an invoice, they can contact a supplier to generate such invoice. If records are managed properly, this will not be the issue. I think that is where records management and national archives fit in to prepare such guidelines for the auditors”.

4.4.1.3 The impact of records management on an organisational mandate

With regard to the AGSA, both participants 2A and 2B emphasised that a successful audit relies on evidence. This means that without records as proof or evidence of a transaction, the AGSA would struggle to deliver as expected. Participant 3A indicated that records management in the public sector has a huge impact on the organisational mandate because the audit opinion is provided based on the available records or documentation, and without the available records to use as evidence, a disclaimer will always be issued. Participant 3B indicated that all auditors rely on records, whether digital or paper based, as long as the particular record serves as evidence of transactions and may be useful to assess the level of compliance with provided pieces of legislation. Participant 3C asserted that records management helps in obtaining audit evidence and indicated that if there is no information for the audit as a result of poor records management, the audit report would include a disclaimed audit opinion, which mainly suggests that the auditors could not obtain sufficient audit evidence to support what is disclosed in the annual financial statements. Participant 3D indicated that their mandate is to audit the government in order to build public confidence. Participant 3D further indicated, “Auditors audit the financial statement presented by government entities with supporting documents, and

when the record keeping is in order, the auditee does not battle when documents are to be pulled out”. Participant 3E indicated that records management in the public sector seriously impacts on the AGSA’s mandate of delivering as expected, because if record keeping is poor, there is a high possibility that the auditors might not find every document they need for them to perform auditing.

4.4.2 The working relationship between NARSSA and the AGSA

The second research objective sought to find whether there is a working relationship between NARSSA and the AGSA. The two institutions have an almost similar or common goal, which is to promote accountability, transparency and good governance in the public sector. This question sought to find if there is an existing relationship between the two institutions.

Participant 2A from the AGSA highlighted that the institution has established a strong working relationship with NARSSA. The participant further indicated that the AGSA always invites NARSSA to attend some of the AGSA events that have to do with records management, including a records management seminar. The AGSA and NARSSA signed an MoA in 2012. This memorandum signed by the two institutions strengthened their working relationship as it provides the commitment for the two institutions to work closely as far as records management is concerned. For the first time in the history of auditing in South Africa, the elements of the NARSSA Act were incorporated into the auditing process (AGSA annual report 2012-13). It is highlighted in the AGSA’s audit report (2012/13) that the MoU signed by the AGSA and NARSSA led to a strategic partnership between the two institutions (AGSA and NARSSA). Participants 3A, 3B, 3C, 3D and 3A did not know if there was an existing relationship with NARSSA. However, they were of the view that such a relationship may be done through the records and knowledge management division at the head office of the AGSA.

4.4.3 The influence of the AGSA on records management in the public sector

The aim of this research objective was to see whether the AGSA has an influence on records management practices in the public sector as far as the mandate of the AGSA is concerned. The PAA gives the AGSA the power to access any document or record in the custody of government, regardless of form or medium of such information. The act further gives the

AGSA the power to enter any area where documents are kept. The following items were covered:

- Fostering of proper record keeping
- The synchronisation of AGSA mandate with that of NARSSA
- The implementation of recommendations

4.4.3.1 Fostering proper record keeping

Participants were asked if their institution plays an influential role in terms of fostering proper record keeping in the public sector. Time spent on searching for missing or misfiled records will make it difficult for the AGSA to deliver as expected in terms of its mandate.

Participants 2A and 2B from the AGSA highlighted that the AGSA has an indirect influence on record keeping in the public sector. According to participant 3A, there is a huge influence as the auditors produce reports with findings and recommendations that are presented to parliament and the public. As a result, some government entities take action against their staff members if they failed to address audit findings. For example, if there is an audit finding against the management of records and the records manager fails to address the finding or ignores it, he or she may be given a verbal or written warning for such a failure. Moreover, the employer may even go beyond the warning and dismiss the employee. Participants 3B and 3E indicated that they were not sure if the AGSA has any influence in terms of fostering record keeping in the public sector. Participant 3C indicated that the AGSA is very influential since poor records management may lead to a disclaimed audit opinion, which would paint a very bad image on the operations of the organisation. That may also suggest that fraudulent activities might be taking place in that organisation.

4.4.3.2 Synchronisation of the AGSA mandate with that of NARSSA

A question was asked to obtain the participants' view on how the AGSA's mandate can be synchronised with that of NARSSA as far as auditing of public records is concerned. Participant 2A was of the view that there is no need to synchronise the two mandates. According to the participants, auditing and records management are two separate things. In other words, the AGSA's mandate can do better if it is not synchronised with that of NARSSA.

“What is being audited is not records, but the process. Records are just evidence and records management is an enabler for the audit”. Participant 2B was of the view that there is a need to synchronise the two mandates as the work of the AGSA relies heavily on good record keeping.

Participant 2B also indicated that NARSSA has its own challenges emanating from poor leadership. “NARSSA was performing exceptionally well in the previous dispensation, why is it unable to function now?” The participant is of the view that poor leadership has been on the forefront of NARSSA for quite some time. “For example, NARSSA has been without a national archivist from 2010 to 2015. Six years is a long time for the organisation to function without a leader”. According to participant 2B, NARSSA staff members need to sort out their personal issues and hit the ground in delivering records management services to the public sector. Both participants 2A and 2B outlined that NARSSA can do well without the help or assistance of other chapter nine institutions such as the AGSA. The fact that NARSSA does not make independent advice does not necessarily mean it should be dysfunctional. Participant 2B further expressed his frustration with the organisational culture of the DAC of pumping more money into sports and leaving NARSSA with the remaining small budget for salaries and training only. “There is not even a single cent to perform the mandate of the organisation. All that NARSSA has left, is money for salaries and attending training only”.

Participant 2A indicated that archivists from NARSSA prefer to operate behind walls and not be seen by the public. This participant gave the following example: “If you go to the public sector and ask them if they know auditors, almost all of them will know the people you are talking about, but go to the same people and ask them about archivists, few of them will know archivists. It is a question of being visible and proactive”. Participant 3A indicated that the performance indicator for good record keeping would be measured by the level of compliance in the public sector, and the same applies to the AGSA. However, since the two mandates appear to be affecting each other, there may be a need to synchronise the two. Participant 3B indicated that NARSSA’s mandate is to ensure proper records management and the AGSA’s mandate relies on properly organised records to deliver on its mandate. Therefore, the two mandates can be synchronised as they affect each other, whether positively or negatively. Participants 3C, 3D and 3E did not see the need for the two mandates to be synchronised. Auditing may rely more on records, but synchronising the two mandates will not work, considering that the AGSA is independent from government and NARSSA is dependent on government. As participant 3E said, “auditors can still audit even if records are not presented.

The results would be a disclaimed opinion. For the AGSA to be organising records management seminars and trying to help with proper records management is courtesy, and if governmental bodies obtain clean audits and their records are in order, it will free up the AGSA's resources to concentrate on other types of public sector audits, particularly performance audits so that auditing can add value to the country. Performance audits are designed not only to report on performance, but also to add value to the public sector administration with constructive criticism and recommendations for improvements".

4.4.3.3 Implementation of recommendations

Participants were asked to what extent the recommendations of the AGSA on records management are implemented by the public sector. Participant 2B indicated that the AGSA does not normally make recommendations on records management. The recommendations that the AGSA usually make is in relation to non-compliance with the PFMA and MFMA.

Participants 3A, 3B, 3C, 3D and 3E indicated that there was an improvement in relation to compliance as some of the organisations moved from a disclaimed opinion to a positive audit opinion. This means the public entities considered the AGSA's recommendations and responded positively in addressing the findings. There has been a gradual improvement in the PFMA and MFMA audit outcomes (AGSA 2015). For example, according to the AGSA's 2015 annual report, the number of auditees that received a financially unqualified opinion with no findings (clean audits) increased to 131 (28%). With regard to the MFMA, the audit outcomes of six of the eight metros and around half of the district (21 or 49%) and local (116 or 52%) municipalities have improved (AGSA 2015).

4.4.4 Measures put in place by the AGSA to promote accountability, transparency and good governance through records management in the public sector

Some measures that were implemented by the AGSA were already outlined in chapter two. This research objective sought to find out if the AGSA implemented measures to promote accountability and good governance through the management of records in the public sector. The following items were covered:

- Contribution of the AGSA towards records management

- Engagement with NARSSA
- The promotion of records management

4.4.4.1 Contribution of the AGSA towards records management

Participants were asked if the AGSA has done anything to implement issues relating to record keeping in the public sector.

Both participants 2A and 2B mentioned the records management seminar and indicated that the approach has been changed as, currently, they focus on a provincial-level seminar in order to make an impact on the records officials as opposed to a national-level seminar which some of the records professionals from other provinces are unable to attend. “With provincial seminars we were able to visit all provinces and offer psychological help on all local records management problems. As a result, the seminars addressed problems in local setting rather than at a national level”. Participant 3A indicated that the AGSA is trying to ensure that municipalities move from a disclaimer of opinion and that the South African Local Government Association (SALGA) is assisting in getting municipalities organised. Participant 3D indicated that the AGSA issues annual audit reports to the public regarding government entities’ accounts, financial management and financial reports and in some of the reports, issues related to record keeping are discussed somewhat. Participants 3B, 3C and 3E indicated that the AGSA has not done anything to implement issues related to records management in the public sector. According to the participants, the AGSA is only interested in obtaining unlimited access to records but not in how the records are organised. The latter is not within the jurisdiction of the AGSA, but of NARSSA. The only reason why the AGSA can report to NARSSA anything irregular it finds when auditing the public sector is the MoU entered into between these two institutions.

4.4.4.2 Engagement with NARSSA

Participants were asked if they are sometimes invited to attend some of the gatherings organised by NARSSA. In this case, gatherings refer to workshops, seminars, meetings, trainings, roadshows, round table discussions and any other gatherings where records management issues are discussed. Participant 2A indicated that they were in partnership with

NARSSA. In most cases, they are not invited, but they get involved as they all participate in those gatherings. A follow-up question was asked to participant 2A as to whether they all get involved financially, more specifically with regard to the national records management seminar that seems to need more budget. The answer was that NARSSA does not become involved financially, but becomes involved with planning and arrangements only. Both participants 2A and 2B confirmed that apart from the records management seminar, they were never invited to any gathering organised by NARSSA. However, participant 2B indicated that, initially, NARSSA used to invite the AGSA to their gatherings, but that was no longer happening. Participant 2B further suggested that NARSSA should have a database of stakeholder engagements that will provide guidelines as to when stakeholders need to be engaged in specific or technical matters. Participants 3A, 3B, 3C, 3D and 3E indicated that they were never invited to any gathering organised by the NARSSA.

4.4.4.3 Promotion of records management

Participants were asked about activities of the AGSA to support records management in the public sector. Participants 2A and 2B cited the records management seminar. “Apart from the records management seminar, there is nothing that has been done to support records management in the public sector. The biggest challenge is that NARSSA is taking a backseat in almost everything. Even with regard to digital records management everything is left to SITA to manage. With regard to records management, the limelight is on the AGSA. What is next? The film archives will be taken by the SABC and the whole repository will also be moved. As a result, there will be no national archives, but fragments of its services in various organs of the state.”

Another question that was asked aimed at finding out if the AGSA sometimes receives requests from members of the public or government bodies in relation to records management in the public sector. Both participants 2A and 2B indicated that they have never received any requests from members of the public in relation to records management in the public sector. “This is so because all the reports are made public by being published on the website as soon as they are tabled”. According to participant 2A, members of the public know that the AGSA has not been mandated to ensure proper and sound records management in the country. “That is why, instead of relying on the AGSA for assistance, they will go straight to NARSSA”. Participant 2B indicated that since he started working at the AGSA, he never had any request from a member

of the public enquiring or asking for intervention in relation to records management. According to participant 2B, the only time he received requests was when members of the public requested to visit the AGSA for a benchmarking exercise. “There are many state-owned companies that are interested in the way records at the AGSA are managed, hence the request for the benchmarking exercise”. Participants 3A, 3B, 3C, 3D and 3E, on the other hand, indicated that they were not aware of anything done by the AGSA to promote records management.

4.4.5 Recommendations on fostering accountability, transparency and good governance in the public sector

This objective sought to find if participants have anything in mind they believe may be put in place to foster accountability, transparency and good governance in the public sector as far as the records management is concerned. The following items were covered:

- Punitive actions
- Positive outcomes achieved
- The impact of records on auditing
- Recommendations by participants

4.4.5.1 Punitive actions

Participants were asked if there are any punitive actions that can be imposed for non-compliance by governmental bodies. Participant 2A suggested the implementation of the sanction in the act. According to participant 2A, “the provision of sanction in the act can be one step closer to the realisation of information access in South Africa’. Participants 2A, 2B and 3A are also of the view that “there should be sanctions against non-compliance because if nothing is being done, we will always talk about non-compliance forever”. They all alluded to the fact that records management is not being taken serious, simply because there are no harsh sanctions for those who do not comply with the prescripts. Participant 2B suggested that such sanctions must also be featured in the records management policy of every government department to foster its implementation.

Participant 3C agreed with the view that there should be consequences for poor performance and non-compliance by governmental bodies. On the other hand, participant 3D indicated that

the AGSA, as the SAI, does not have the audit of compliance as a mandate. As per participant 3D, an audit of compliance is an additional assertion. “Our actions are limited to the opinion we give of the financial statements as a whole on failure to comply, so sanction is something else that can be imposed by auditees without it necessarily coming from the AGSA. We cannot fire the accounting officer for obtaining a disclaimer. Upon receipt of the audit results, the political head must act.” Participants 3A and 3B were also of the view that there should be consequences to avoid the repetition of one mistake repeatedly.

4.4.5.2 Positive outcomes achieved

Participants were asked if any positive outcomes were achieved by their respective organisations in relation to records management in the public sector. The aim of this question was to assess the level of compliance and the role that the AGSA plays towards the management of records in the public sector with a view to encouraging a culture of accountability, transparency and good governance. With regard to the AGSA, participant 2A was of the view that NARSSA should assist in terms of tracking what is going on regarding compliance with the act. However, they felt that currently, “no one is unable to see if there are positive outcomes in terms of compliance as no one goes back to the public sector to perform records inspection”. NARSSA has the mandate of ensuring proper records management in the public sector and it should take it upon itself to perform the inspection. “There is even provision for inspection in NARSSA Act”. Participant 2A feels that NARSSA must be pro-active in terms of its work.

Participant 2B indicated that he was not happy with the outcomes; nevertheless, he was of the view that NARSSA should meet the AGSA halfway, as the AGSA’s primary role is not the management of records. Participant 2B highlighted that the reason why the records management seminar approach was changed was because the AGSA was not happy with the outcomes so far; hence, they decided to do away with the national and focus on provinces. Participants 3A, 3B and 3C indicated that many organisations moved from a disclaimer to a better audit opinion as a result of interventions. This demonstrates that something positive and tangible is being done by the AGSA. Participant 3D indicated that there is a positive outcome as they have seen an increase in unqualified audit outcomes in the past five years. “The challenge is that, in some years, some auditees are regressing while others are progressing”. Participants 3E indicated that there is no consistency in terms of outcomes, as those that get

positive outcomes this year, are likely to get negative outcomes the following year. “But without necessarily being too negative, there are some positive outcomes, more specifically on the side of local government. Local government used to be known as the worst entities in terms of management of financial records, but this time around we see a significant change in attitude towards the management of records in the local government”.

4.4.5.3 The impact of records on auditing

Participants were asked if the public sector could achieve a clean audit without records management. The aim of this objective was to discover if record keeping is important for audit purposes. The question was asked only to the AGSA staff as it has to do with auditing. Participant 2A indicated that, “although clean audit can be achieved without records management in place, it cannot be sustained. Most of the times you find that there are individual efforts contributing to obtaining clean audits. Such individuals manage records well in their corners in silos. They can help the organisation to achieve a clean audit opinion. However, once such individuals leave the organisation, the problems start”.

Participants 2A and 2B emphasised the importance of records in the auditing process. They also made reference to the PAA indicating that the act provides for the auditors to have reasonable access to all premises where documents are housed. They further indicated that if records are properly organised, the chances are high that the public sector would achieve a clean audit opinion. Participant 2A indicated that there is a specific time frame that needs to be adhered to by the auditees when submitting documents and it could be to their disadvantage if records are not organised properly.

Participant 3A emphasised that it is impossible to achieve a clean audit opinion without organised records simply because records management is the backbone of the administration and assists auditors with evidence. Therefore, if records are not available, it is not possible to achieve a clean audit opinion. “In the case where there is no records management programme, you will find that business units, through secretaries, are able to file and retrieve records”. Participants 3B and 3E indicated that auditing and record keeping are connected in that the auditing process relies on record keeping. As a result, it is highly unlikely that the public sector would be able to achieve a clean audit opinion without organised records. Participant 3C was also of the view that a clean audit opinion cannot be achieved by disorganised financial records.

The department or public entity should account for all monies disclosed in the annual financial statement by producing proof (records), because should they be unable to produce proof of what happened per item in the annual financial statements, a clean audit opinion would not be achieved. Participant 3D indicated that auditors rely on appropriate and sufficient audit evidence to perform their audit. The unavailability of organised financial records will lead to a limitation of scope in the work of the auditor, which may lead to an adverse opinion on the audit report.

4.4.5.4 Recommendations by participants

Participants were asked to recommend some of the actions that can be taken to enhance record keeping in the public sector. Because record keeping in the public sector has an impact on the mandate of the AGSA, the researcher was of the opinion that the participants may have had some recommendations on what could be done to enhance the quality of record keeping in the public sector. Both participants 2A and 2B were of the view that the right people should be placed in the records management division. According to the participants, there is nothing wrong with the systems and processes; the only problem faced by the public sector is that they do not appoint the right people. The participants further stressed that by “right people” they are referring to people with the relevant qualifications. Participant 2A was of the view that NARSSA must also play a role in ensuring that the records management service in South Africa is fully recognised and appreciated by all members of the public. Participant 3A indicated that the morale of the employees is also important, therefore, the public sector must first address the issue of records management staff members who are already demoralised and the rest will follow. Participant 3D was of the view that there should be a competent workforce in place and punitive actions for individuals to enhance accountability and transparency.

Participant 3C indicated that backups are needed for disaster recovery and there should be a systematic arrangement of records to allow quick retrieval. The other challenge which the public sector faces, was a lack of or no control over the movement of files or records as they do not have systems in place to record what is being taken from the storage rooms. As a result, the principle of accountability is being compromised. Participants further recommended that regular training must be done, especially for records professionals, to make sure that they know exactly what is required of them in terms of document storage and retrieval. Participant 3E indicated that everything existed; starting from policies to the systems, the only part that was

lacking was the implementation. He further indicated that the public sector has a tendency to do things just for the sake of auditing. The participants also feel that some institutions and departments have records managers just for compliance and those records managers are not used for what they are required to do in terms of the law, and are trapped in the “tick box” approach, as opposed to good practice. The participant was of the view that this could be avoided if action is taken against all those who deliberately ignore the recommendations made by the AGSA.

4.5 Summary

In this chapter, data collected through interviews and documents analysis was analysed and presented according to research objectives. In summary, it was established that chapter nine institutions play an indirect role towards records management in the public sector. This is supported by evidence obtained during interviews and through document analysis. Nevertheless, the key issues raised in this chapter are summarised below:

- NARSSA and chapter nine institutions are working in silos.
- Selected chapter nine institutions are unable to take advantage of their potential influential role towards records management in the public sector as they are not mandated to regulate records management.
- Programmes offered by chapter nine institutions do not cover all important aspects of records management.
- Records management impacts on both the AGSA and the SAHRC’s delivery of their mandates.
- Chapter nine institutions’ recommendations are being ignored by public officials, especially with regard to records management.
- There is no formal and proper relationship between NARSSA and chapter nine institutions, except the MoA signed between the AGSA and NARSSA.

Based on the discussions, it is clear that chapter nine institutions play a limited role towards records management in the public sector. However, it is also clear from the responses that chapter nine institutions can play an important role in propelling records management in the public sector to the hub of the administration. The inability of chapter nine institutions to realise

their potential influential is hindering records management improvement in the public sector. The next chapter interprets and discusses research findings in detail.

CHAPTER FIVE

INTERPRETATION AND DISCUSSION OF RESEARCH FINDINGS

5.1 Introduction

The previous chapter presented the findings of the study. This chapter interprets and discusses the findings of the study presented in chapter four. Interpretation and discussions were done in line with research objectives, and were presented. This chapter will expose the relations and processes that underline the findings of this study. This study was introduced with the five research objectives listed in chapter one and those objectives are discussed in this chapter, as the findings of this study are interpreted. The five objectives of the study are the following:

- Analyse selected chapter nine institutions' mandate to determine the relationship with records management;
- Determine if selected chapter nine institutions are working closely with NARSSA to achieve a common goal of promoting accountability, transparency and good governance in the public sector.
- Assess the influence of selected chapter nine institutions on the management of records by government officials.
- Determine whether selected chapter nine institutions have measures in place to promote accountability, transparency and good governance through records management in the public sector.
- Make recommendations on how selected chapter nine institutions can foster accountability, transparency and good governance in the public sector.

5.2 Interpretation and discussion of data from the SAHRC

This section presents the interpretation and discussion of data collected from participants at the SAHRC.

5.2.1 The analysis of the SAHRC's mandate to determine the relationship with records management

The mandate of the SAHRC's full delivery is reliance on good and organised record keeping.

This implies that record keeping in the public sector has an impact on the institution's mandate. The findings of this objective are presented and discussed according to the following items: key legislation, role of the SAHRC towards records management and the impact of records management on an organisational mandate.

5.2.1.1 Key legislation

PAIA gives South African citizens the right to have access to any information held by the state or to any information that is held by another person that is required for the exercise or protection of any rights. For example, on 4 October 2012, SAHA, on behalf of the Right2Know campaign, submitted a PAIA request to the South African Police Service (SAPO), but the access was denied (SAHA 2012).

Unlike auditing, the monitoring of PAIA is reliant on what is submitted by the public sector to the SAHRC in terms of section 14 of the act. There are no activities in place to test the authenticity and reliability of the information provided by the public body. As long as a section 14 manual is submitted, the "department submitted" section would be marked "yes" on the checklist. This literally means that the department complies with PAIA, regardless of whether the information provided is a true reflection of what is happening at that department. For the purpose of facilitating the monitoring process of access to information, PAIA provides for a public body to have or assign PAIA responsibilities to an official within the department. A person ensuring that the public has access to the requested information is referred to as the Deputy Information Officer (DIO). In terms of PAIA, the head of the institution is charged with the responsibility to appoint a DIO for the purpose of carrying out the PAIA function.

The SAHRC does not work alone in monitoring compliance with PAIA among different governmental entities. There are also other organisations that work with the SAHRC in ensuring that access to information in South Africa is a reality. For example, the Open Democracy Advice Centre (ODAC), in partnership with the SAHRC, delivered yet another successful round of the Golden Key Awards in 2015 based on ODAC's access to information index (ODAC 2015). The awards are a major event for the access-to-information community in South Africa, with a number of DIOs calling for the format to be changed in order to recognise best practice by a variety of public institutions as opposed to just one award.

5.2.1.2 The role of the SAHRC towards records management

Ngoepe and Keakopa (2011) contend that in South Africa there are many public organisations that have an interest in the archival and records system, for example the SAHRC, the AGSA, the State Information Technology Agency (SITA) and the National Treasury. Nevertheless, the results clearly stipulate that the SAHRC plays some role to records management in the public sector. However, such a role is indirect, for an example, participants from the SAHRC indicate that records management issues are discussed in most PAIA workshops, but no measures are put in place to rate the level of responsiveness or compliance in general against records management. Participants further indicated that since they joined the SAHRC, there has never been a records management audit. This demonstrates that the records management monitoring role has been neglected, as the SAHRC used to conduct records management audits previously for the purpose of determining the level of readiness of the public sector to implement PAIA. With that said, ODAC is also assisting the SAHRC in realising the success of PAIA. For example, Ngoye (2008) contends that ODAC published results of a monitoring survey carried out over a period of six months in 2004 during which 140 requests were submitted to 18 public institutions by seven requestors from different spheres of civil society. It was made clear by participants that the SAHRC's work is to ensure and monitor compliance with PAIA, but the way in which records are organised and classified by government officials is not part of the SAHRC's mandate and does not form part of the scope of work of PAIA officials.

McKinley (2003) asserts that one of the most disregarded, but also most crucial elements in the effective implementation of PAIA is records management. He further says that the time consumed to recover a requested record or information in any form will determine adequacy, efficiency and efficacy of one's filing system, which will have an impact on the requester of the information. Section 14 of the PAIA provides for the information officer of the public body to compile a manual in at least three official languages providing "sufficient detail to facilitate a request for access to a record of the body, a description of the subject on which the body holds records and the categories of records held on each subject". In essence, the act is simply trying to say to members of the public that in order to request information, they should know exactly what is in the custody of each and every public institution.

5.2.1.3 The impact of records management on an organisational mandate

Apart from the constitution and the SAHRC Act, there is also PAIA, which provides an additional mandate to the SAHRC, and the delivery of the legislation (PAIA) is dependent on record keeping. PAIA compliance has implications for records management. It was mentioned several times in this research that if records are not properly arranged, access to information is likely to be influenced with. This is also supported by Kisoona (2010) who indicates that a lack of sound records management policies and poor records practices has adversely affected access to public records. This is why it is expected that the SAHRC will have a huge impact on the way in which records are managed in the public sector. The independence of the SAHRC puts it in the right position to be able to give independent advice to public officials as far as record keeping is concerned. According to Makhura and Ngoepe (2006), PAIA and the NARSSA Act shares a common vision, that is, safety and access to primary sources of information. Makhura and Ngoepe (2006) further assert that the successful implementation of PAIA is solely dependent on compliance with the NARSSA Act.

Given the findings of the study, the SAHRC appears to have little impact on records management in the public sector. The manner in which the training is conducted does not really cater for more technical issues with regard to records management. However, there is no commitment from the SAHRC to assist the public sector to have their records properly organised. Training and workshops could be used to change people's mindsets regarding compliance with PAIA. According to Mushwana (2016), the objectives of the right of access to information are to assist people to protect other human rights and promote transparency and accountability. It can be achieved through education and awareness raising, and through a sound understanding and interpretation of enabling law (PAIA).

5.2.2 The working relationship between NARSSA and the SAHRC

As a regulatory body for records management services, NARSSA is criticised by many scholars such as Mnjama (2004:6), Wallace (2004:6) and Wakumoya (2000). There is a wide range of views and suggestions that since NARSSA is unable to cope with the regulatory role of records management compliance and as such, other state-owned institutions may assist, either financially or intellectually. A number of state-owned entities do not comply with the

provisions of NARSSA Act, but NARSSA is unable to do anything about this because they neglected their oversight role. This negligence leaves public officials with the freedom to ignore the rule of law as far as records management service is concerned.

Ngoepe (2004) asserts that NARSSA is making a significant contribution towards the broader democratisation of South Africa. NARSSA is responsible for fostering proper records management in the public sector. Participants made it clear that the working relationship between NARSSA and the SAHRC is poor. Given their roles, these two institutions are expected by members of the public to engage with one another in trying to find solutions for poor records and mismanagement of public records. It was mentioned earlier that NARSSA needs assistance from other state-owned institutions simply because it is unable to reach out to its clients due to a shortage of resources. McKinley (2003) recommends that NARSSA should be given the status of an independent public body, accompanied by provisions of human and financial resources. This again brings up the question of “influence”, which is still to be discussed in this chapter. According to McKinley (2003), it is practically difficult and, to a lesser extent, impossible for the national archivist to give instruction to the same senior government officials that he or she (national archivist) is expected to report to.

In an attempt to answer McKinley’s (2003) independence question, the SAHRC may take advantage of its independence by entering into a joint venture with NARSSA with the hope of fostering proper record keeping in the public sector. The Archival Platform (2014) posits that public archives need to work closely with the SAHRC to ensure that the archivists and records managers are fully equipped to respond to PAIA requests in support of open, accountable and transparent government. The powers given to NARSSA are limited as compared to those given to the SAHRC in terms of the South African Human Rights Commission Act and PAIA. Documents such as annual reports, strategic plans, PAIA reports and annual performance plans revealed that there are no planned engagements with NARSSA and even in the case where there are informal engagements, these will not be budgeted for as they do not appear in the strategic plan or any document that informs the budget.

5.2.3 The influence of the SAHRC on records management in the public sector

In this case, influence refers to the power that someone or something has to make someone or something behave in a particular way. In government, the influence of one institution depends

on the position of such an institution in the reporting line. This objective is presented and discussed according to the following items: fostering of proper record keeping, synchronisation of the SAHRC's mandate with that of NARSSA and implementation of recommendations.

5.2.3.1 Fostering proper record keeping

Unlike the national archivist who reports to the Chief Director of Heritage, Promotion and Preservation in the DAC, the chairperson of the SAHRC reports issues and concerns directly to parliament, which is the highest structure in the country. Reporting lines come with a lot of bureaucratic process. Bureaucracy in most cases affects the ability of the institution to exert influence.

The SAHRC Act gives the Commission powers to:

- investigate
- review government policies
- recommend
- mediate
- subpoena

In line with the above, Newman (2003) asserts that the constitution charges the SAHRC with rights of monitoring, and it requires that other organs of government should cooperate with it by providing information annually on social and economic rights. Parliament also has the responsibility to support the SAHRC and not tamper with its independence (Masutha 2016). PAIA provides the SAHRC with powers to sanction anyone who contravenes any provision of section 4(3) or 15(9). This demonstrates that the work of the SAHRC is taken seriously by both the act and the constitution. Anyone who interferes with the work of the SAHRC could be found guilty of an offence and on conviction could be liable to a fine or imprisonment for a period not exceeding six months as per section 22(i) of the South African Human Rights Commission Act. In addition to that, PAIA also provides details on the sanctions that can be imposed towards non-compliance with the act. As per section 90(1) of PAIA, a person who intentionally denies another person a right to access to information in terms of PAIA by destroying, damaging, altering, concealing or falsifying a record or makes false record commits

an offence and is liable to conviction in the form of a fine or imprisonment for a period not exceeding two years.

The provisions of section 90 of PAIA are regulated by NARSSA as provided by section 13 of the NARSSA Act. Section 13 of the act indicates that no records in the custody of a governmental body shall be transferred to an archives repository, destroyed, erased or otherwise disposed of without written authorisation of the National Archivist. This means that sanctions provided for in section 90 of PAIA would not be affected if the procedures stipulated in section 13 of the NARSSA Act were followed.

The SAHRC has a huge influence in terms of its work but, unfortunately, this influence is very little or limited when it comes to records management in the public sector. Mushwana (2016) indicates that the SAHRC discharges its mandate of advancing the rights of all South Africans without fear and favour. However, there are those with political power to demonstrate a similar lack of understanding and respect for the independence of chapter nine institutions (Govendor 2014). Despite the fact that the management of records in the public sector affects the work of the commission, the SAHRC continues to ignore that. It can be said that the SAHRC fails to take advantage of its influence and powers to foster proper record keeping in the public sector. PAIA is very clear in terms of sanctions that can be imposed for non-compliance; it is only a matter of the SAHRC expanding its work to cater for some of the aspects of records management.

5.2.3.2 Synchronisation of the SAHRC mandate with that of NARSSA

It is believed that records are at the centre stage of PAIA. In line with that, one would argue that the reason PAIA is not synchronised with the NARSSA Act is because they are both centred on the availability of records. Kisoona (2010) asserts that the lack of sound records management policies and poor records practices has adversely affected the capacity of personnel to locate and produce requested records. Participants from the SAHRC believe that it is important for these two pieces of legislation to be synchronised as PAIA relies more on the availability of records. The Archival Platform (2014) recommends that the NARSSA Act should be aligned with PAIA as that will provide a general right of appeal in cases where the National Archivist refuses access. The Archival Platform (2014) further states that the act as it stands, only makes provision for appeals in cases where access is refused because of the fragile

condition of the document. One of the reasons why many institutions fail to deliver as expected in terms of PAIA is because there are no systems in place to facilitate the management of records from creation up to disposal. According to the participants, PAIA deals more with records than with information, simply because information is likely to be tampered with. Again, one cannot use information as evidence against someone in a court of law, only a record is accepted before the court.

5.2.3.3 Implementation of recommendations

The SAHRC makes recommendations that should be implemented by affected public bodies, in most cases, senior government officials are implicated in most of the reports produced by the SAHRC. When the recommendations are not implemented properly, the commission has the necessary powers to report to parliament on the deliberate lack of implementation of the recommendations made by the SAHRC. The PAIA annual report (2014), which was presented to the National Assembly, gives a reflection of the lack of commitment by public officials with regard to the implementation of recommendations made by the SAHRC against PAIA in general. However, Govender (2007) indicates that the findings and recommendations of the SAHRC are generally respected by the government and section 181(3), which imposes a positive duty on organs of state to assist and protect chapter nine institutions in order to ensure that effectiveness and independence have been useful in this regard. The SAHRC annual report (2014) further indicates that public bodies do not prioritise PAIA in their operations. Some of the recommendations made with regard to PAIA have financial implications and if PAIA implementation has not been properly budgeted for, it is likely to be difficult for public officials to implement some of the recommendations made by the SAHRC. Since the inception of PAIA, the SAHRC, in partnership with civil society organisations, has actively advocated for and raised awareness of the rights of access to information and PAIA but to date, the SAHRC observes a continuous lack of commitment towards it (PAIA). Participants from the SAHRC made it clear that there is poor implementation of recommendations on access to information.

5.2.4 Measures put in place by the SAHRC to promote accountability, transparency and good governance through records management in the public sector

One of the primary objectives of the SAHRC is to promote accountability, transparency and good governance. According to Jaeger and Bertot (2010:372), transparency, accountability and

good governance are key parts of a democratic government. This objective is presented and discussed according to the following items: the contribution of the SAHRC towards records management, engagement with NARSSA and promotion of records management.

5.2.4.1 Contribution towards records management

The NARSSA Act established NARSSA as a branch of the public service under the ministry of Arts and Culture. This implies that the management of financial and human resources of NARSSA is fully integrated into the Department of Arts and Culture's organisational structure and programme (Archival Platform 2014). One of the key roles of records and archives is that of ensuring administrative transparency and democratic accountability. Institutions supporting democracy should take the lead in defending democracy by putting measures in place that advocate for the care of records.

Participants from the SAHRC indicate that the only contribution made by the SAHRC towards records management in the public sector is through PAIA workshops and training where records management issues are discussed. Workshops alone are insufficient, more especially when they are not specifically for records management. As part of SAHA's commitment to fostering an open information culture, they (SAHA) have developed a guide as a tool for lawyers and paralegals interested in using PAIA or supporting others in exercising their constitutional rights of access to information (SAHA 2013). The SAHRC continues to benefit from the assistance of civil society organisations such as SAHA with regard to fostering a culture of openness and transparency. According to Dimba (2009:24), civil society organisations that are active in the promotion of the use of PAIA, such as ODAC, SAHA and Freedom of Expression Institute (FXI) do encounter instances where even well-established and reputable NGOs that work with government departments on various projects request them to assist in making "anonymous requests" for fear of losing a seat at the table or a foot in the policy formulation door. The Golden Key Awards are also part of the work that the SAHRC does to give a token of appreciation to members of the public who are committed to comply with PAIA requirements. What the SAHRC is doing with regard to records management in South Africa is not enough and more effort is needed.

5.2.4.2 Engagement with NARSSA

The SAHRC repeatedly indicated the embarrassing state of record keeping in the South African public sector (Archival Platform 2015). Ngoepe (2004) mentions some of the gatherings and initiatives by NARSSA such as training, sensitising top management structures regarding the importance of sound records management, hands-on involvement in the client offices' records management practice, encouraging records managers to keep constant communication with NARSSA and the provincial records management capacity building. The question is to what extent the SAHRC get involved both as a participant and as a partner. Based on participants' responses, there is an indication that there is no proper engagement between the SAHRC and the AGSA. Participants assert that they were never invited to any of the gatherings organised by NARSSA. They referred to the Records Management Forum and indicated that both the SAHRC and NARSSA are members. In line with the above, there is no other engagement with NARSSA outside the aforesaid forum.

5.2.4.3 Promotion of records management

Scholars such as Darch and Underwood (2005), Kisoon (2010) and Mariyoga (2011) expressed their view with regard to the public sector's failure to implement PAIA successfully. For example, Kisoon (2010) asserts that the monitoring by the SAHRC reveals an unhealthy status on the right to access to information in South Africa. The challenges cited by the SAHRC as far as PAIA is concerned include a lack of awareness, no sufficient training of DIOs, no budgets dedicated for PAIA implementation and the inability to identify a unit or division responsible for PAIA (SAHRC 2007). It is for this reason that the SAHRC initiated DIOF in 2006. According to ODAC (2009), the forum convenes annually at the Information Officers Indaba, an event that is strongly supported by members of the information community taking place annually on 28 September, a day known as the "Right-to-Know Day". Participants from the SAHRC indicated that records management in the public sector is promoted through PAIA workshops and the annual DIOF where all records professionals across the country are invited to come share their frustrations regarding access to information in their workplace. Document analysis also reveals that the Golden Key Awards given to best performers is a strategy used by the SAHRC to promote records management in the public sector. With these awards, members of the public are encouraged to work harder with the hope that they will be rewarded

for having performed well. All activities undertaken by the SAHRC as far as PAIA is concerned are a clear indication that the SAHRC promotes records management in the public sector.

5.2.5 Recommendations on fostering accountability, transparency and good governance in the public sector

Good governance, the rule of law, transparency and accountability embody partnership between the state and society, and among citizens. This is sustained not by good intentions alone but by lasting, converging incentives and strong institutions (Johnston 2016). Democratic governance in the public sector can succeed only if public servants are held accountable by ordinary citizens. This objective is presented and discussed according to the following items: punitive actions, positive outcomes achieved, the impact of records on access to information and recommendations by participants.

5.2.5.1 Punitive actions

Participants from the SAHRC complained about parliament's failure to implement the recommendations of the SAHRC. Participants indicated that PAIA is very clear in terms of sanctions for non-compliance with the act, and what is needed now is the implementation of those sanctions. Without proper implementation of the sanctions stipulated in PAIA, the SAHRC will continue to be a "toothless dog" that bark at every one who violates the act. Access to information is a fundamental human right enshrined in the constitution, and anyone who violates that right should be sanctioned. Section 90 of PAIA is clear with regard to sanctions for non-compliance. It provides that the information officer of a public body or a delegated information officer who fails to comply with the provisions of section 14 of the act would be held liable for non-compliance and the sanctions would be a fine or imprisonment (SAHRC 2016). Actions need to be taken against those who do not comply with PAIA because, in many instances, failure to implement the act correctly has had a shockingly stifling effect on the constitutional right of access to information (SAHA 2017).

5.2.5.2 Positive outcomes achieved

Kagbro (2009) defines good governance as the exercise of authority via institutions and their resources to manage society's issues and concerns. According to Kagbro (2009), part of the

demonstration of good governance is when the government is able to discharge its functions effectively and equally through the design, formulation and implementation of sound policies and programmes. Given the budget constraints, the SAHRC found it useful to focus on specific areas of human rights protection, monitoring and promotion that are not covered by the mandate of any other existing constitutional bodies (SAHRC 2014). As per the SAHRC annual performance plan (2014/2015), the SAHRC successfully implemented 100 per cent of its annual targets, which include 31 PAIA training sessions, one media event, one NIOF, one Provincial Information Officers Forum (PIOF), two publications and 10 PAIA law clinics. It is unfortunate that still no positive outcomes are observed from the public sector.

In order to assess the performance of the SAHRC regarding PAIA, it is of paramount importance to compare the current situation with that of the past apartheid era. We have seen a number of calls made by civil society organisations and NGOs pressurising the government across the country to increase open access to government data (Robinson 2009). The SAHRC is trying by all possible means, with limited resources, to heal the wounds of the past by fostering openness and transparency. In apartheid South Africa, access to government information was legally blocked and that resulted in barriers to the realisation of human rights (Tapula 2010). Several NGOs have criticised the SAHRC for its powers to only promote access to information as opposed to fostering such access (Klaaren 2010). While the promotion role of the SAHRC is appreciated, there is also a call for the establishment of an Information Commissioner. The criticism against the SAHRC's failure to foster PAIA has now been addressed by the amendments of both PAIA and POPI. POPI provides for the establishment of an information regulatory body with certain duties and powers in line with the conditions of POPI and PAIA (Swartz & Da Viegua 2016).

5.2.5.3 The impact of records on access to information

According to the SAHRC (2012), the institutions that incorporated PAIA compliance into their records management compliance tend to do better than those that have not. Barata, Cain and Thurston (2016) posit that the availability of documented evidence such as records strengthens civil society organisations by helping to protect legal rights and prevent human rights violation. Access to information remains one of the fundamental human rights enshrined in chapter two of the constitution of South Africa. Section 32 of the Constitution of the Republic of South Africa gives everyone the right of access to any information held by the state and any

information that is held by another person and that is required for the exercising or protection of any rights. For the access to information right to be realised, records should be organised to accelerate retrieval of information with the view of sticking to time frames as stipulated in PAIA. The study established that records are the most integral part of the act because compliance with the act depends on the availability of records. In support of the above statement, Chinyemba and Ngulube (2011) assert that the passing of PAIA by the South African government gives importance to the management of records. The public sector may be in an embarrassing situation if requested records are not found due to poor records systems.

5.2.5.4 Recommendation by participants

Participants from the SAHRC are of the opinion that the importance of records management should not be ignored. In that, they recommend that people should be trained in records management technical areas so that they are able to use records management to support access to information as required in terms of PAIA. Participants also recommend that more awareness of the act and records management needs to be raised for the purpose of advocating the relationship between the act and records management. Participants share the same sentiment with Abott (2007) by indicating that some of the problems of a lack of proper records management in the public sector in South Africa are aggravated by a lack of awareness, poor buy-in from top management, no adequate skills and training among records management practitioners, and low salary level of records management practitioners.

5.3 Interpretation and discussion of data from the AGSA

This section presents the interpretation and discussion of data collected from the AGSA.

5.3.1 Analysis of the AGSA's mandate to determine the relationship with records management

The findings of this objective are presented and discussed according to the following items: key legislation, the role of the AGSA in records management and the impact of records management on an organisational mandate.

5.3.1.1 Key legislation

The PFMA provides that public entities should submit to the AG their financial statements in a specified format, which must contain the information or otherwise any requirements determined by any legislation applicable to the auditee. In this case, poor financial record keeping may affect the entire accounting function, with the result that reporting and auditing may become virtually impossible. Section 15 of the PAA further gives powers to the AG to have unlimited and unrestricted access to public records for the exercise of its work. Without records or information, auditors would not be able to execute their auditing duties. Auditors give an opinion based on the information presented to them by the auditees and if nothing is provided, they would express a disclaimer of opinion. Any auditor will tell you of an ideal environment where you can walk into a client's office and be provided with an audit file that contains the financial statements which are cross-referenced to all relevant supporting records in the same file at least indicating where such records can be easily retrieved (Bhana 2008).

For the purpose of auditing, the AGSA has access to all buildings, vehicles and premises and, if needed, a warrant may be secured from a magistrate or judge. In addition to that, section 50 of the PAA provides for sanctions to be implemented against those who hinder or interfere with the work of the AGSA. A person who hinders or interferes with the work of the AGSA is someone who refuses or fails to comply with a request from the AG or authorised auditor, or someone who furnishes false or misleading information when complying with a request of the AG or authorised auditors or anyone who contravenes section 50 of the PAA. It is established from this study that record keeping in the public sector has an impact on the mandate of the AGSA.

5.3.1.2 The role of the AGSA towards records management

The AGSA plays a limited role towards records management in the public sector. The only critical project mentioned by some of the participants from the AGSA is the records management seminar organised by the AGSA in partnership with NARSSA. Nevertheless, the auditors who are running the operation of the institution appear to be unaware of the seminar. This means that auditors do not become part of the event. This might be an indication that a game change is needed going forward. Despite the expression by Makwetu (2014) that "proper record keeping leads to a positive audit outcome", the organisers of the event continue to

demonstrate ignorance of the role that record keeping can play towards the improvement of an audit outcome. Ngoepe (2009) posits that the AGSA places a high premium on proper records management to the extent that in its general reports on audit outcomes, it lists “a clear trail of supporting documentation that is easily available and provided timeously” as the first six good practice indicators for government departments to achieve positive audit results. In cases where there is poor record keeping in the public sector, Bhana (2008) suggests that the AGSA may play a role in reporting those cases of poor record keeping to NARSSA, that can in turn assist the affected institutions in setting up a proper records management programme.

5.3.1.3 The impact of records management on an organisational mandate

Bhana (2008), Ngoepe (2012), Ngoepe and Ngulube (2013), Ngoepe and Ngulube (2014), Ngoepe and Ngulube (2016) emphasise the importance of proper record keeping in the auditing process. Ngoepe and Ngulube (2014) indicate that the significant role of proper records management into the auditing process cannot be over-emphasised. Given the fact that record keeping in the public sector affects the entire accounting process, there is a need for the AGSA to become involved, as this will eventually affect the work of the AGSA. Participants from the AGSA wished that their institution could play a huge role towards records management, but for reasons not known to the participants and the researcher, the role is little. The records management seminar failed to produce the desired results and officials from the AGSA ended up making a decision to expand the seminar to provinces, as opposed to only national because the national seminar requires a huge budget but does not yield the desired outcomes. Participants made it clear that the AGSA’s mandate is about auditing and not necessarily about checking record keeping. Furthermore, there is a feeling from the participants that auditing and record keeping do not necessarily have to be separated as they complement one another. For as long as documents are made available to auditors for auditing, there will be an audit activity to be carried out. This study thus established that record keeping in the public sector has an impact on the mandate of the AGSA.

5.3.2 The working relationship between NARSSA and the AGSA

This research objective sought to find out if there is an existing working relationship between NARSSA and the AGSA. It appears that a working relationship between these two institutions is almost at the stage of being successful. This follows an announcement by Mabudafasi (2015)

during the launch of the National Archives Week that NARSSA has entered into an agreement with the AGSA as a strategy to ensure that all public entities comply with the National Archives prescripts. The document analysis also revealed that the AGSA entered into a joint venture with NARSSA with regard to ensuring records management compliance in the public sector. The primary objective of the MoU signed by the two institutions (AGSA and NARSSA) was to strengthen knowledge sharing on the findings related to the management of records kept by departments, entities, municipalities and any other body or institution audited by the AGSA (NARSSA 2016). Part of the agreement is that, while the AGSA audits the affairs of governmental bodies, certain aspects of records management can be checked and brought to the attention of the National Archivist. The reason for this is that the AGSA has unlimited access to financial records in the custody of the public sector. The study established that there is a positive working relationship between the AGSA and NARSSA. The MoU signed by the two institutions demonstrates a commitment from both sides of the institutions.

5.3.3 The influence of the AGSA on records management in the public sector

By influence in this case, the researcher refers to the power that someone or something has to make someone or something behave in a particular way. In government, influence of one institution depends on the position of such institution in the reporting line. This objective is presented and discussed according to the following items: Fostering of proper record keeping, synchronisation of the SAHRC mandate with that of NARSSA and implementation of recommendations.

5.3.3.1 Fostering proper record keeping

Participants made it clear that the AGSA's influence on records management is limited in the sense that the institution makes audit findings that link to record keeping, but fails to give recommendations on what can be done regarding records management compliance and good practice. For example, in the consolidated audit report (2015/16), the AGSA recommends that there should be proper and timely record keeping to ensure that complete, relevant and accurate information is accessible and available to support financial and performance reporting. It is for this reason that the participants indicated that there is an influence, but such influence is indirect. The most interesting part about the AGSA's influence is that some of the government entities sanction individuals who fail to respond positively to recommendations made by the

AGSA. This is one of the influential roles that the AGSA can use to the advantage of records management in the public sector. Ngoepe and Ngulube (2013) posit that the AGSA facilitates accountability and promotes good governance in the use of public resources by way of general reports on audit outcomes. There would be a vast improvement if the AGSA provided recommendations on records management in all of its reports for the public sector to know and understand their responsibility towards the management of records. The AGSA also made a commitment that, in future, certain aspects of records management will be audited to assess whether the auditee implemented sound records management principles that ensure the proper records management throughout its life cycle in order to achieve efficient, transparent and accountable governance (Makwetu 2014). Records that are not in order affect the work of the AGSA and regularity auditors need records to be able to conduct an audit and then issue an opinion. It is clear from the study that there are currently no measures in place at the AGSA to foster records management; nevertheless, in future, it appears as if the institution would be leading from the front in fostering proper record keeping.

5.3.3.2 Synchronisation of the AGSA mandate with that of NARSSA

Ngoepe (2012) asserts that the NARSSA has the primary responsibility for the management of government records. The relationship between record keeping and auditing has been highlighted in many audit reports produced by the SAIs such as the AGSA. For example, Bhana (2008) posits that the issue of record keeping receives undivided and much-deserved attention in the AGSA's general reports. Participants from the AGSA are of the view that there is no need to synchronise the AGSA's and NARSSA's mandates. According to participants, auditing and records management are two separate processes. However, on the other hand, one participant was of the view that there is a need to consider synchronising the two pieces of legislation, namely the PAA and the NARSSA Act. The PAA and the NARSSA Act complement one another and the successful implementation of the PAA relies more on the successful implementation of NARSSA Act.

5.3.3.3 Implementation of recommendations

In the local government audit for the 2014/15 financial year, Makwetu (2016) revealed that municipalities have shown an encouraging improvement in their audit results over the past five years from 2010/11 to 2014/15. Participants from the AGSA are happy with the

implementation of the AGSA's recommendations by the public sector. The challenge that exists is that the recommendations do not speak to the systems that can be implemented to avoid problems of record keeping in the public sector. The overall picture is that there is a high level of commitment by the public sector to implement the AGSA's recommendations. The AGSA, in partnership with NARSSA, must issue more findings on records management. Although the AGSA does not have prosecutorial powers and serves only to uncover and disclose problems, the office is a vital source of information for parliament and the public (Mbete 2016). The agreement entered into by the AGSA and NARSSA through the MoU must be used to the advantage of records management improvement in the public sector. It is established from this study that the recommendations made by the AGSA receive positive attention from the public sector.

5.3.4 Measures put in place by the AGSA to promote accountability, transparency and good governance through records management in the public sector

This objective is presented and discussed according to the following items: contribution of the AGSA towards records management, engagement with NARSSA and promotion of records management.

5.3.4.1 Contribution of the AGSA towards records management

In the guidelines for the public sector to achieve a clean audit opinion, the AGSA identified record keeping as one of the most significant elements towards a clean audit opinion (AGSA 2016). It is no surprise that the AGSA commended the Eastern Cape Local Government for improvement towards record keeping (AGSA general report 2010-11). According to the AGSA (2011), the record keeping has improved in the Eastern Cape Local Government, but there is still much room for improvement. The quality of the financial statements and underlying records indicates that a culture of managing the audit instead of the daily operations of the municipality is still prevalent. In a proposed action plan, the MEC for Local Government in the Eastern Cape made the following commitment: "The department work-on-records-management, MPAC training, revenue-generation programmes, empowerment sessions (district level), MIG spending, the appointment of section 57 positions and directly contracting municipal managers to monitor operation clean audit". Participants highlighted that the AGSA facilitates records management seminars where all respective records professionals across the

country are brought together for the purpose of discussing issues revolving around records management. The MoU signed by the AGSA and NARSSA also defines an ongoing relationship between the two institutions. What is more important for now is the checklist that is still to be shared with the public, which is going to be used to audit different aspects of records management.

In 2014, the office of the AGSA hosted a provincial records management seminar in Kimberley where the overall purpose was to elevate record keeping as a strategic enabler (AGSA 2016). The seminar was hosted again in March 2016 where the reflection revealed that 40 per cent of the public sector had partially implemented the file plan. Recommendations of the seminar were as follows: target leadership in all three spheres of government per province by hosting breakfast sessions and formation of partnership with universities. Through the seminar offered by the AGSA, records management issues are unpacked from an audit perspective. The seminar made a huge impact in terms of changing people's attitude towards records management in general. Ngoepe (2011) argues that NARSSA is hampered by red tape and a lack of funds and as such, most members of the public lost hope with the institution and sees the AGSA taking over some of the work that is expected to be administered by the NARSSA.

5.3.4.2 Engagement with NARSSA

Every year, the DAC hosts an annual National Archives Awareness Week (DAC 2016). For example, in 2013, the department hosted the annual National Archives Awareness Week under the theme "*The role of records/archives in deepening democracy*". The question is, "To what extent is the AGSA able to participate in these types of events organised by NARSSA?" Apart from the records management seminar, there is no other form of engagement with NARSSA in a form of workshops and related gatherings. Maximum participation of the AGSA and NARSSA in the preparation of records management seminars was overemphasised by participants.

5.3.4.3 Promotion of records management

The promotion of records management by the AGSA began in 2012 when the AGSA and NARSSA started to acknowledge the importance of effective and efficient management of public records as a cornerstone of transparent and accountable government by entering into an

MoU, to engage and cooperate on various issues pertaining to records management (Archival Platform 2014). The records management seminar was overemphasised in many questions, because it is the only activity undertaken by the AGSA that links records management and the audit work. However, the seminar alone made a huge impact and cannot be compared to other activities undertaken by the institution. Another activity mentioned is the roadshow where staff members from the AGSA embark on an outreach programmes. According to the participants, the roadshow also has a huge positive impact on records management in the public sector through a change of attitude of senior government officials and records practitioners. The AGSA is therefore making a positive contribution in promoting records management through various programmes and, in some instances, through partnership with the records management regulatory body.

5.3.5 Recommendations on fostering accountability, transparency and good governance in the public sector

This objective is presented and discussed according on the following items: punitive actions, positive outcomes achieved, the impact of records on auditing and recommendations by participants.

5.3.5.1 Punitive actions

The slogan of the office of the AGSA says “auditing to build public confidence” and this speaks volumes. Ngoepe and Ngulube (2013) agree to that as they argue that through the mandate enshrined in the Constitution of the republic of South Africa and the auditing process, the AGSA plays a critical role in facilitating the accountability cycle and thereby promoting democratic governance. The moment records are not produced to regularity auditors, members of the public will begin to have many assumptions such as the following: mismanagement of funds, corruption, fruitless and wasteful expenditure, and other related activities which may influence transparency, openness, accountability and good governance.

Just like PAIA, the PAA is very clear in terms of sanctions or punitive actions. Participants indicated that many organisations implement internal consequence management as part of internal control. If audit findings implicate the head of the programme or unit, he or she must devise a plan on how the findings need to be addressed in order to clear or remove it from the

audit findings register. Should the findings persist, the employer may implement the following consequence management measures: verbal warning, written warning and disciplinary actions that may even result in dismissal. In an enquiry to determine the fitness of the South African Broadcasting Corporation (SABC) board to hold office, the Minister of Communications was asked why the SABC failed to take punitive actions against members of staff at the public broadcaster who deliberately continued to ignore the recommendations of the AGSA with regard to fruitless and wasteful expenditure (Parliament 2016). In line with the above, it is clearly demonstrated that findings made by the AGSA (including records management findings) are very serious and should be addressed as quickly as possible in order to maintain trust and confidence to the public.

5.3.5.2 Positive outcomes achieved

Every year, the AGSA reports to parliament on government expenditure (AGSA 2016). For example, in 2009, the AGSA had hoped to see all municipalities achieve an unqualified audit opinion by 2014. However, the latest results show that 48 per cent of municipalities achieved unqualified opinions against the 2013 target of 75 per cent. Adverse and disclaimer opinions were not eliminated, although these were set to be eliminated. This shows that the AGSA achieved no positive outcomes. The public sector's response to information requests by auditors is not impressive, hence the dissatisfaction of participants from the AGSA. De Lange (2013) asserts that steps need to be taken by municipalities to eliminate irregular expenditure by introducing a supply chain records management system, where a separate file is kept for every tender and procurement transaction above R30 000.00.

5.3.5.3 The impact of records on auditing

Ngoepe (2012) stresses the importance of proper records management in the auditing process, risk management and wider corporate governance. In line with the above, Vukule and Ogochukwu (2014) outline the importance of a framework in every organisation. The importance of records management in the auditing process cannot be over-emphasised (Ngoepe & Ngulube 2014:136). It is very clear that for the public sector to be able to obtain clean audits there should be organised records to support the auditing process. Therefore, this study establishes that records are necessary for auditing as they provide evidence of transactions. Participants from the AGSA also indicated that records are important to auditing and without

organised records the public sector personnel are likely to be found in difficult positions due to the unavailability of documents when auditors request supporting documents and financial statement.

5.3.5.4 Recommendations by participants

Participants from the AGSA are of the view that the right people should occupy records management positions in the public sector. According to participants, there is no problem with the systems and processes; the only problem is that the right people are not appointed to occupy top positions in records management divisions. The other recommendation made by the participants is with regard to the role of NARSSA. As per the participants, NARSSA must also play its part in ensuring that the integrity of records management is not affected negatively. Furthermore, participants recommended that the morale of employees should not be taken for granted, and that the public sector management should first address the issue of staff morale, as some employees in records management positions in the public sector are demoralised. The other recommendation put forward by participants is that there should be disaster recovery plans in place for business continuity purposes.

5.4 Summary

This chapter has interpreted and discussed the findings. The data presented in chapter four was interpreted and discussed in this chapter. Based on the findings, it has been established that records management, access to information and auditing are the processes that should not be separated. Institutions responsible for these three processes should not work in isolation, as failure of one result in failure of the other. For example, if records management is poor, auditing and access to information will be affected. Records management plays a crucial role in ensuring easy retrieval to information. The information retrieved through organised and proper records management can be used for a number of activities such as auditing, exercising one's human right, fighting legal battles and risk mitigation.

CHAPTER SIX

SUMMARY OF FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

6.1 Introduction

The previous chapter interpreted and discussed the findings of the study as presented in chapter five. This chapter presents the summary of findings, conclusion and recommendations of the study based on literature review, as well as data analysis and interpretation. According to Labaree (2009), the purpose of a conclusion is to re-state the findings of the study and to remind the reader of the strength of the main arguments. The findings presented in the previous chapter are summarised in this chapter. This chapter further makes suggestions on future research and makes recommendations for a follow-up to the current study.

6.2 Summary of findings

This chapter presents a summary of findings according to research objectives. The study established that records management is a key enabler to the information access and auditing process. The relationship of records management and information access together with auditing, is an everlasting relationship that is characterised by accountability, transparency and good governance. The analysis of the PAIA consolidated report indicates that the successful implementation of the act is dependent on the state of records management. The analysis of the AGSA's consolidated general reports also revealed that negative audit outcomes such as a disclaimed opinion in most cases emanate from loopholes in records management functions. However, it is observed that the relationship between records management and access to information, together with auditing, do not receive attention from the public sector. This is supported by Ngoepe (2012) when he asserts that the relationship was not fully explored in the South African public sector as records management units and internal audit units in most governmental bodies continue to work in silos.

This study established that both the AGSA and the SAHRC have mandates that rely on records management to execute. For example, the SAHRC is the regulator of PAIA in both public and private organisations. The implementation of PAIA solely relies on records management. The underlying argument is that for the implementation of PAIA to be successful, there should be a systematic arrangement of records that will enable easy and quick retrieval whenever a PAIA

request is made by members of the public. On the other hand, the AGSA relies on records to execute its mandate. The AGSA is mandated by the PAA, the PFMA and the MFMA. The results of this study indicated that disorganised records result in a situation where public officials do not know where to find the supporting documents during an audit. Organised records enable everyone to be organised and prepared for any information request, at any given time.

Seminars and workshops are conducted but the outcomes are not convincing. This calls for more seminars and engagements, but with a different approach altogether, as the current approach appears to be failing. It has been established that both the AGSA and the SAHRC organised seminars in relation to records management. For example, the SAHRC organises an NIOF, in partnership with ODAC, to celebrate the-right-to-know day. The forum is attended by champions and experts in the information community and some of those in attendance are records practitioners in the public sector. The AGSA organises national and provincial records management seminars where records practitioners in the public sector are brought together to share their experiences and challenges with regard to records management services in the public sector. The Golden Key Awards made by the SAHRC are seen as a positive step in the right direction to propel records management into the new heights.

This study has established that the AGSA and the SAHRC have an influence on fostering a culture of accountability, transparency and good governance. These two entities are independent from government and can provide independent advice to parliament through reporting and recommendations. It therefore remains the responsibility of parliament to ensure that public entities implement the recommendations made by the AGSA and the SAHRC. Participants recommended that there ought to be consequence management where public officials are expected to face charges for failure to comply with the PFMA, the MFMA and PAIA. They are also of the view that public officials deliberately turn a blind eye to compliance and the level of ignorance is uncalled for. There were also recommendations that there should be regular training for records management practitioners, and that the right people should occupy the right positions.

It was also discovered that there is a lack of engagement between regulatory bodies responsible for records management. For example, the SAHRC never directly engaged with NARSSA, whether in the form of a meeting or any form of gathering. This is not a good story to tell

because there is a strong connection between the work of the SAHRC, the AGSA and NARSSA as far as records management is concerned. The results revealed that the SAHRC and the AGSA are working in silos. With regard to the AGSA, it is revealed that the relationship it has with NARSSA is almost at the success stages. The AGSA has managed to draft and sign an MoU with NARSSA. This MoU was signed by the AGSA and NARSSA, and that is a positive step in the right direction as it defines an ongoing relationship between the two institutions, and also their commitment in working side by side with one another with a common goal of fostering sound and proper records management in the public sector. However, the recommendations in the document need to be implemented so that the document does not become a dead epistle.

6.3 Conclusion about research objectives

The general purpose of the study was to investigate the contribution of selected chapter nine institutions towards records management in the public sector in South Africa. While records management plays an important role in enabling accountability, transparency and good governance, selected chapter nine institutions should do their part in holding the state accountable for records management failure in the public sector. Selected chapter nine institutions' primary role is to foster accountability, transparency and good governance. One may say selected chapter nine institutions are well placed to ensure answerability, openness and public participation.

Despite accountability, transparency and good governance, specific mandates are given to selected chapter nine institutions and the implementation of those mandates relies more on the availability and organisation of records. It is clear from the study that if governmental bodies can get their records management right, all will fall into place to the extent that PAIA, the MFMA and the PFMA are not compromised. The conclusion is guided by the following objectives:

- Analysing selected chapter nine institutions' mandate to determine the relationship with records management
- Determining whether selected chapter nine institutions are working closely with NARSSA to achieve a common goal of promoting accountability, transparency and good governance

- Assessing the influence of selected chapter nine institutions on the management of records by government officials
- Determining whether selected chapter nine institutions have measures in place to promote accountability, transparency and good governance through records management in the public sector
- Making recommendations on how selected chapter nine institutions can foster accountability, transparency and good governance in the public sector.

6.3.1 Conclusion on the analysis of selected chapter nine institutions mandate to determine the relationship with records management

It is clear from the study that the successful implementation of PAIA relies more on the availability and organisation of records. The underlying assumption here is that if records are in order, retrieval and access become easy. In most cases, access to information is compromised because records cannot be retrieved as they are scattered all over the building with no proper classification system to organise them. This concludes that records management has a huge impact on PAIA. If records are in order, PAIA will be successfully implemented by the public sector to avoid penalties as the act stipulates.

Access to information means access to records or, rather, to documented decisions of government. There is an effective relationship between access to information and records management. In simple terms, records management is viewed within the factors of a key enabler without which access to information becomes unsuccessful or practically impossible to a lesser extent. For freedom of information to be fully exercised by citizens, there must be a proper record-keeping system in place that allows for easy collection, indexing, storage, disposal of information and the retrieval. When records are properly organised, it makes it easy to know the exact location of each record, which will result in the acceleration of retrieval and access.

Just like PAIA, the study revealed that successful implementation of PAA relies more on records management. Organised records are required to support the function of auditing and access to information in order to promote accountability, transparency and good governance. This means that audit outcomes can be positive if governmental bodies have proper records management in place. A challenge with governmental bodies is that they have documented

systems in place such as policies, procedures, records control schedules and records classification systems (file plans); however, the implementation is still a serious problem. Some of the documents are just compiled for the purpose of auditing and nothing else.

The safekeeping of records is important to every organisation for audit purposes. If records are lost or disorganised, the accounting system will be poor to the extent that the system itself lacks integrity and, to a larger extent, auditing will be impossible. The primary responsibility of the AGSA as stipulated in the PAA becomes possible if public entities cooperate by producing records or evidence of transactions. The only way for public entities to cope during audit is to have records organised in a way that information may be easily retrieved for auditors. Auditors have a specific waiting period and failure of public officials to produce records within that period may ruin the audit process.

6.3.2 Conclusion to determine if selected chapter nine institutions are working closely with NARSSA to achieve a common goal of accountability, transparency and good governance

The study establishes that the SAHRC and NARSSA are working in silos. There are no engagements between the two institutions. It is expected that the two entities should work closely together in order to deal with records management challenges faced by public officials. Previous conclusion on the analysis of chapter nine institutions mandate revealed that there is an unshaken relationship between PAIA and records management. This means that the work of NARSSA has an impact on the work of the SAHRC. This further indicate that the SAHRC and NARSSA should work closely together, as their mandates have records management as a common factor.

The SAHRC may be an independent institution but it has its own limitations in terms of executing its responsibilities. For example, the SAHRC does not have powers to give the state direction on records management processes and compliance unless such issues violate human rights. The SAHRC have powers to hold the state to account for its actions but not to foster or enforce adherence to principles and processes of records management. The possible way in which the SAHRC could be able to foster proper record keeping is through collaboration with NARSSA. Through its reports, the SAHRC can report on “loopholes” and recommend on how

these “holes” could be filled. If there is continuous ignorance of the recommendations made by the SAHRC, this may be reported to parliament for auctioning.

Undoubtedly, the study has demonstrated that there is a close working relationship between the AGSA and NARSSA. A records management seminar is one of the engagements between the two entities that demonstrate an ongoing relationship between the two institutions. Furthermore, the MoU entered into by the AGSA and NARSSA speaks volumes, because all activities undertaken between the AGSA and NARSSA are based on the requirements of the provision of the MOU. It is through that memorandum that the working relationship between the AGSA and NARSSA is clearly defined. Thus, this study concludes that there is a close working relationship between the AGSA and NARSSA.

The reality is that every public entity’s powers are derived from its mandate but, in most instances, funding affects the operations of the institution to the extent that powers of such institution become limited eventually. Unlike NARSSA, the AGSA does not rely on the government for funding. The full independence of the AGSA puts it in a better position to source funds from auditees in the form of audit fees. According to chapter nine of the Constitution of Republic of South Africa, the AGSA is one of the six independent institutions that should strengthen constitutional democracy, be impartial and exercise its powers without fear, favour or prejudice. These powers include auditing and reporting publicly on the accounts, financial state and management of funds of most public entities in all spheres (national, provincial and local) of government.

6.3.3 Conclusion to assess the influence of selected chapter nine institutions on records management in the public sector

Respect for human rights is not only a national issue but also an international one under the stewardship of United Nations. Domestic laws are aligned with both national and international human rights obligations. Furthermore, every law that is not constitutionally aligned or not consistent with the constitution is invalid in South Africa as outlined in the 1996 Constitution of the Republic of South Africa. However, this demonstrates that respect for the institutions established to protect and defend the constitutional democracy is in essence respect for the constitution itself. The SAHRC which is established by the constitution has an influential role to play in the public sector in general. The SAHRC’s influence and its powers are enshrined in

the constitution. The question here is whether the SAHRC can use this very same constitutional privilege to influence the management of records in the public sector in South Africa.

Based on the findings of the study and the documents that were analysed, the influence of the SAHRC on records management is limited. Members of staff at the SAHRC are not impressed by the Commission's influence on records management in the public sector. It was established that even parliament itself appears to be ignorant of the recommendations made by the SAHRC. In that case, the independence powers of the SAHRC are undermined by senior public officials. Regardless of the SAHRC's recommendations being independent from any influence by government, there is continuous ignorance from senior public officials which results in a lack of recognition of the SAHRC by members of the public at large. The study therefore concludes that the influence of the SAHRC on the management of records in the public sector is limited.

The AGSA has a unique role in fighting corruption through the promotion of accountability, transparency and good governance. The study revealed that the AGSA has a huge influence on the management of records in the public sector. Through its recommendations and reports, the AGSA is able to make inputs, suggestions and comments on record keeping in the public sector. The recommendations made by the AGSA are made with a view to fostering good practice in the public sector. Many public entities are in a position to sanction public officials for having failed to implement recommendations made by the AGSA. In that regard, the study concludes that the AGSA has a huge influence on the management of records in the public sector. It is for that reason that the AGSA is planning to include records management in the auditing process in future.

By virtue of its position, "as the supreme audit institution" the AGSA continues to enjoy the respect from members of the public and the media. The reports and forensic audit reports expose corruption and the level of incompetence in the public sector. Several chapter nine institutions constantly complain about limited funds but the AGSA never expressed the same view. Therefore, one would assume that the AGSA is fully resourced to discharge its constitutional mandate. The AGSA exerts influence on the management of administration through performance audit and such influence in some instances finds its way to the management of records by using audit reports.

6.3.4 Conclusion to determine whether selected chapter nine institutions have measures in place to promote accountability, transparency and good governance in the public sector

Based on the findings of the study, it was established that the SAHRC makes little contribution to promote accountability, transparency and good governance in the public sector. The SAHRC only contributes through the facilitation of PAIA workshops and the DIOF. With the DIOF, awards are given to best performers in terms of PAIA compliance and responsiveness. Other than workshops and the DIOF, no other activity is undertaken by the SAHRC to promote accountability, transparency and good governance through the monitoring of records management.

It has been overemphasised throughout the study that the management of records is critical to support the process of access to information. This has also been proven by the records management audit conducted by the SAHRC in the past years, which indicated that the organisations that incorporated records management into the PAIA function tend to do better than those that have not. Furthermore, people who are responsible for PAIA on a daily basis will say that the experience itself proved that proper records management is one of the critical elements that contributes towards the success of access to information. The relationship of PAIA and records management gives the SAHRC a challenge to use records management as part of its strategy to promote accountability, transparency and good governance.

It is also clear from the study that the AGSA is at the forefront in promoting accountability, transparency and good governance. It was observed that the AGSA have measures in place to promote accountability, transparency and good governance through records management. The AGSA initiated the records management seminar and through this seminar all information professionals across the country are brought together to confront records management challenges faced by the public sector. Furthermore, the AGSA signed an MoU with NARSSA and it is in that memorandum that the AGSA and NARSSA's relationship is defined as far as records management is concerned. Therefore, the study concludes that the AGSA has sufficient measures in place to promote accountability, transparency and good governance.

One of the three objectives of the value and benefits of the SAIs is to strengthen accountability, transparency and good governance in the public sector. However, it has been outlined

throughout the study that for one to give account, there should be documented evidence on what happened within the period being accounted for. The same goes for transparency and good governance. Information in the form of a record is essential in supporting accountability, transparency and good governance. Auditing or records management by the AGSA can be a step closer to accountability, transparency and good governance. When records management in the public sector are audited, members of the public will be in a position to change the processes and the way they operate in order not to be found wanting with regard to the issues concerning accountability, transparency and good governance.

6.3.5 Conclusion on recommendations on how selected chapter nine institutions can foster accountability, transparency and good governance

Participants from the SAHRC proposed a number of punitive actions that can be taken against those found to be at fault. Some of the punitive actions proposed by participants include sanctions and the implementation of the penalties stipulated in PAIA. The act is very clear on what needs to be done against people who are found to have violated the act. This includes a fine and imprisonment. However, in South Africa, the government is still reluctant when it comes to the implementation of the provisions of the act, in particular the penalty section. The study therefore concludes that there should be sanctions as required by PAIA against non-compliance. Furthermore, there ought to be more awareness on the importance of records management towards access to information and all responsible officers should be trained in how records management can help to foster transparency and openness.

Participants from the AGSA are of the view that the relevant people should occupy the right positions in the public sector. In most governmental bodies, the records management function is not being taken seriously. NARSSA is also helpless as it is unable to cope with the situation in the public sector due to a lack of funding and other resources. Furthermore, the public sector should also work on staff morale. Members of staff in the public sector are demoralised due to the manner in which they are treated by senior officials. This study concludes that the right people should occupy the right positions in the public sector, staff morale needs to be worked on and NARSSA must defend the integrity of records management in the public sector. Lack of resources should not be an excuse for failure to deliver as expected in terms of the NARSSA Act.

6.4 General recommendations

The previous section presented the recommendations from participants. This section presents the general recommendations of the study in line with each research objective linked to different research findings. Recommendations in these sections are subdivided according to themes.

6.4.1 PAIA workshop and strategy

It is evident that the efficient access to information can only be secured when records are managed properly. There should be a proper records management system to support access to information. The services rendered by the SAHRC need to be expanded to accommodate other aspects of records management. For example, as part of the PAIA workshops, members of the public needs to be taught how records management can support access to information in general. Again, a records management audit needs to be conducted regularly to check if the public sector is still in line with the requirements of PAIA and the NARSSA Act.

It is further recommended that discussions should emerge on whether the scope of PAIA is still relevant to what the PAIA Act aims to achieve. Most importantly, the perception of PAIA from a legal point of view affects its full implementation. Legal practitioners are not information professionals. PAIA is presided over by legal experts who in turn focus more on the legal and compliance aspect of the act. This is problematic to the end users of the act because in almost every public entity, DIOs are records and information practitioners. There is no balance between the legal and the access to information aspects of PAIA. Information professionals are trained to devise innovative ways of promoting access to any form of information without regard to its form or medium, whereas legal practitioners are trained to advocate for and ensure compliance with PAIA.

This might be a challenge directed at the newly established Information Regulator, whether there is a need to change the direction or strategy of PAIA in order to bring informational professionals on board to peruse what they are trained to do, specifically for the benefit of promotion of access to information in South Africa. Reasonable measures should be put in place to closely monitor how access to information is promoted in the public sector. The current strategy seems to be opening the floor for questions for authenticity, reliability and trustworthy.

Unlike auditing of financial statements in the public sector, the SAHRC does not audit the public sector to ensure the fair presentation of PAIA manuals. With the current strategy, as long as the institution submitted the PAIA manual, it is treated as compliance, but no exercise is performed by the SAHRC to confirm what has been presented in the PAIA manual.

6.4.2 Influence of selected chapter nine institutions on records management

The analysis of audit reports indicated that proper records management leads to positive audit outcomes. The root cause of qualified audit opinions in most cases resulted from a lack of clear trail of supporting documents. The study therefore recommends that the AGSA, through its performance audits, should highlight the management of records of the auditee and report to NARSSA and parliament on the challenges faced by the auditees. This will encourage the public sector to always have records management items in audit committee meetings and will eventually win the attention of the accounting officers in the public sector.

6.4.3 Working relationship of selected chapter nine institutions and NARSSA

With regard to the working relationship between selected chapter nine institutions and NARSSA, it is recommended that there should be a high level of collaboration between selected chapter nine institutions and NARSSA with a common vision to improve records management service in the public sector. If needed, a forum may be established where records management issues are discussed and amicably resolved. An MoU signed by the AGSA and NARSSA may be reviewed to cater for aspects of PAIA and the role that the SAHRC should play in the spectrum of records management. Alternatively, a separate memorandum may be drafted for the SAHRC's engagement with NARSSA. The underlying suggestion here is that the relationship between selected chapter nine institutions and NARSSA should be documented for one to be able to refer every time when a need arise.

6.4.4 Measures to promote records management

The SAHRC may take advantage of the NIOF to create awareness with regard to issues of records management. However, it is not clear whether this is still relevant to the SAHRC as the function of PAIA now rests with the Information Regulator. Reality here is that access to information still remains a human rights issue, which implies that the SAHRC still has the

responsibility to monitor the promotion of access to information in South Africa. There should be a clear guidance on whether complaints on violations of access to information rights can still be lodged with the SAHRC or be directed to the Information Regulator. Members of the public may fail to distinguish between the SAHRC and the Information Regulator, which may result in thoughts of duplicates of responsibilities. It is therefore recommended that a document be developed that will clearly outline the difference between the two institutions and indicate whether the Information Regulator took all PAIA responsibilities over from the SAHRC or not.

It is further recommended that a “PAIA versus Records Management audit” needs to be conducted regularly to foster an understanding of the two concepts. The aforesaid audit will identify gaps that need to be filled and possible remedies for such gaps. Since the previous audit proved that records management forms an integral part of PAIA, it is imperative that members of the public understand the relationship between the two. The last audit conducted by the SAHRC was in 2008, which means that almost nine years have passed without a “PAIA versus records management audit”. Many things happened in these nine years.

The decision to substitute national records management seminars was the best approach. It is hoped that the AGSA can further narrow the seminar to individual institutions because each institution has its own challenges and dynamics, which may be different from others and may require special attention. Government should absorb the costs and fund the projects of this nature. Financial resources in this case may be an obstacle to undertaking seminars with individual institutions. It was not clear how the roadshows were undertaken, but the seminars with individual organisations may be categorised in as roadshows.

6.5 Implication for policy and practice

The findings of this study may go a long way in influencing policy direction and practice in the public sector. Depending on the level of consideration by public officials, the findings of this study will stimulate understanding among senior public officials of the ability for selected chapter nine institutions to foster proper record keeping in the public sector. However, that can only be achieved if there is a close working relationship between selected chapter nine institutions and NARSSA. The regulatory role of records management in the public sector rests with NARSSA; however, it has been proven on several occasions that NARSSA is unable to cope with this regulatory role.

6.6 Further research

Many opportunities for future research have emerged from this study. The exploratory nature of this research makes it possible to pursue more areas of research further. There is a need to extend the current study to other chapter nine institutions, such as the Public Protector, for the contribution they can make to promoting proper records management in the public sector. Although it is acknowledged that records are a huge pillar of accountability and transparent administration due to their evidential nature, it is of paramount importance to investigate the role that other chapter nine institutions can play in records management. Equally beyond the scope of this study was NARSSA. Therefore, future studies should include NARSSA.

6.7 Final conclusion

This study was organised into six chapters. Chapter One sets the scene by introducing the topic. Chapter Two reviewed literature regarding the role of selected chapter nine institutions towards records management in the public sector. Chapter Three presented the research methodology. Chapter Four presented the results of the study. Chapter Five provided a discussion of the findings, which offers a broad interpretation of the results. Chapter Six provided a summary of the results and a conclusion. Finally, in order to foster accountability, transparency and good governance through records management, several recommendations were made.

It is clear from the study that there is an unmistakable connection between the mandates of selected chapter nine institutions and that of NARSSA. In that, there is a need for the AGSA and the SAHRC to work hand in hand with NARSSA with a common view to foster accountability, transparency and good governance through records management. The records management responsibility should not only be thrown to NARSSA, which has already indicated failure to execute its mandate. The AGSA and the SAHRC are in a better position to influence the decisions made by the public sector as far as records management is concerned. As much as it is understood that the recommendations made by selected chapter nine institutions are independent, that on its own can work for the benefit of public sector that is already characterised by poor records management. If it is evident that the management of records in the public sector affects the mandate of the selected chapter nine institutions, they should address the records management challenges faced by public sector.

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APPENDIX A: LIST OF CHAPTER NINE INSTITUTIONS

1. South African Human Rights Commission
2. Auditor General of South Africa
3. Public Protector South Africa
4. Commission for Gender Equality
5. Independent Electoral Commission
6. Commission for the Promotion and Protection of the Rights of Cultural, Religious,
and Linguistic Communities

**APPENDIX B: COUNTRIES WITH FREEDOM OF INFORMATION LAW AND
THE YEAR ADOPTED** (Banisar 2004)

<u>Country</u>	<u>The name of the law</u>	<u>Year</u>
Albania	The Law on the Rights to Information for Official Documents	1999
Angola	Law on Access to Administrative Documents	2002
Antigua	Freedom of Information Act	2004
Armenia	Law on Freedom of Information	2003
Australia	Freedom of Information Act 1982	1982
Austria	Federal Law on the Duty to Furnish Information	1987
Azerbaijan	The Law of the Right to Obtain Information	2005
Barbuda	Freedom of Information Act	2004
Belgium	Law on the Right of Access to Administrative Documents Held by Federal Public Authorities	1994
Belize	The Freedom of Information Act	1994
Bosnia	Freedom of Access to Information Act	2004
Bulgaria	Access to Public Information Act	2004
Canada	Access to Information Act	1983
Colombia	Law Ordering the Publicity of Official Acts and Documents	1985

Croatia	Act on the Right of Access to Information	2003
Czech	Law on Free Access to Information	1999
Denmark	Access to Public Administration Files Act	1985
Dominican	Law on Access to Information	2004
Ecuador	Organic Law on Transparency and Access to Public Information	2004
Estonia	Public Information Act	2001
Finland	Act on the Openness of Government Activities	1999
France	Law on Access to Administrative Documents	1978
Georgia	General Administrative Code of Georgia	1999
Germany	Act to Regulate Access to Federal Government Information	2005
Greece	Code of Administrative Procedure	1999
Herzegovina	Freedom of Access to Information Act	2004
Honduras	Law on Transparency and Access to Public Information	2006
Hungary	Protection of Personal Data and Disclosure of Data of Public Interest	1992
Iceland	Information Act	1996
India	Rights to Information Act	2005
Ireland	Freedom of Information Act	1997

Israel	Freedom of Information Law	1998
Italy	No. 241 of 7 August 1990	1990
Jamaica	Access to Information Act	2002
Japan	Law Concerning Access to Information Held by Administrative Organs	2002
South Korea	Act on Disclosure of Information by Public Agencies	1996
Kosovo	Law on Access to Official Documents	2003
Kyrgyzstan	Law on Guarantees of Free Access to Information Held by State Bodies and Local Government	2006
Latvia	Law on Freedom of Information	1998
Liechtenstein	Information Act	1999
Lithuania	Law on the Right to Obtain Information from State and Local Government Institutions	2000
Macedonia	Law on Free Access to Information of Public Character	2006
Mexico	Federal Law on Transparency and Access to Public Government Information	2002
Moldova	The Law on Access to Information	2000
Montenegro	Law on Free Access to Information	2005
Netherlands	Government Information (Public Access) Act	1991

New Zealand	Official Information Act	1982
Norway	Freedom of Information Act	1980
Panama	The Law on Transparency in Public Administration	2001
Peru	The Law on Transparency and Access to Public Information	2003
Poland	Law on Access to Public Information	2001
Portugal	Law on Access to Administrative Documents	1993
Romania	Law Regarding Free Access to Information of Public Interest	2001
St Vincent	Freedom of Information Act, 2003	2003
Serbia	Law on Free Access to Information of Public Importance	2004
Slovakia	Act on Free Access to Information	2000
Slovenia	Access to Public Information Act	2003
South Africa	Promotion of Access to Information Act	2000
Spain	Law on Rules for Public Administration	2002
Sweden	Freedom of Press Act	1949
Switzerland	Federal Law on the Principle of Administration Transparency	2004
Tajikistan	Law of the Republic of Tajikistan on Information	2002
Thailand	Official Information Act	1997

Trinidad	Freedom of Information Act	1999
Turkey	Law on the Right to Information	2003
Uganda	The Access to Information Act	2005
Ukraine	Law on Information	1992
UK	Freedom of Information Act	2000
United States	Freedom of Information Act	1996
Uzbekistan	Law on the Principles and Guarantees of Freedom of Information	2002
Zimbabwe	Access to Information and Privacy Protection Act	2002

APPENDIX C: INTERVIEW SCHEDULE

1. What is your position within the institution?

2. How long have you been working here?

3. Can you briefly share with me your role and responsibilities at your institution?

4. What transversal role does your organisation play in records management in the public sector?

5. How does records management in the public sector impact you to deliver on your organisational mandate?

6. Which pieces of legislation mandate your organisation to perform its line function?

- a. Which of these pieces of legislation have impact on record keeping in the public sector?

- b. What has your organisation done to implement the issues relating to record keeping in the public sector?

c. How can the mandate of NARS and your organisation be synchronised in relation to regulation of access to information?

d. How can the mandate of NARS and your organisation be synchronised in relation to auditing of records in public sector?

7. What relationship has been established between your office and the National Archives of South Africa for the purpose of achieving a common goal of accountability?

8. What are the similarities and differences in your organisational role and that of the national archives?

9. What are the seminars, workshops, forums or any gathering organised by NARSSA that you were invited?

10. How influential is your institution in terms of fostering proper record keeping in the public sector?

11. What tools or mechanisms are used by your organisation to promote records management in the public sector?

12. To what extent have the recommendations that your organisation made on records management in the public sector being implemented?

13. What punitive actions can be imposed towards non-compliance by governmental bodies?

14. What positive outcomes have been achieved by your organisation in relation to records management in the public sector?

15. How can the public sector achieve a clean audit opinion without organised financial records?

16. How can the public sector deliver as expected in terms of PAIA without organised records?

17. What records management programmes have you implemented to support records management in the public sector?

18. What requests do you often receive from members of the public or governmental bodies in relation to records management of the public sector?

19. What training or awareness campaigns does your organisation offer to members of the public and governmental bodies in relation to records management?

20. What can the public sector do to:

- provide access to information to the public quickly

- ensure that records management support auditing

- ensure that records management receive supports from senior managers within government

21. How poor record keeping in the public sector is negatively affecting your organisation to deliver on its mandate?

22. What recommendations can you make for the enhancement of recordkeeping in the public sector?

23. Any additional information?